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9 *Lead Counsel for Direct Purchaser Plaintiffs*

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)  
15 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

16 This Document Relates to:

17 *Crago, d/b/a Dash Computers, Inc., et al. v.*  
18 *Mitsubishi Electric Corporation, et al.*, Case  
19 No. 14-CV-2058-JST.

**DECLARATION OF ANTHONY D.  
SHAPIRO IN SUPPORT OF DIRECT  
PURCHASER PLAINTIFFS' APPLICATION  
FOR ATTORNEYS' FEES AND EXPENSES  
AND INCENTIVE AWARDS**

20 Date: June 8, 2017

21 Time: 2:00 p.m.

Judge: Honorable Jon S. Tigar

Courtroom: 9

1 I, Anthony D. Shapiro, declare:

2 1. I am a partner of Hagens Berman Sobol Shapiro ("HBSS"), Counsel for Direct  
3 Purchaser Plaintiffs ("DPPs" or "Plaintiffs") in this action. I submit this declaration in support of  
4 DPPs' Joint Application for Attorneys' Fees and Expenses and Incentive Awards ("Fees and  
5 Expense Application") in connection with the services rendered in this litigation. I make this  
6 declaration based on my personal knowledge and if called as a witness, I could and would  
7 competently testify to the matters stated herein.

8 2. My firm has served as counsel to Carroll Cut Rate Furniture and as counsel for the  
9 Class throughout the course of this litigation. The background and experience of HBSS and its  
10 attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

11 3. HBSS has prosecuted this litigation solely on a contingent-fee basis, and has been at  
12 risk that it would not receive any compensation for prosecuting claims against the defendants.  
13 While HBSS devoted its time and resources to this matter, it has foregone other legal work for  
14 which it would have been compensated.

15 4. My declaration in support of Plaintiffs previous fee application (ECF No. 4055-3)  
16 detailed HBSS's work in the initial CRT litigation. During the pendency of the litigation  
17 specifically against Mitsubishi and Thomson, HBSS performed the following work: preparing for  
18 depositions of Mitsubishi and Thomson witnesses, managing and organizing document review and  
19 evidence collection for the case against Mitsubishi and Thomson. My firm's work included the  
20 supervision and training of English and foreign language reviewers, preparation of search terms  
21 and organization of folders and assignments for reviewers, overall management of the document  
22 database, exhibits, transcripts, overall management of the evidence for the case, and overall  
23 responsibility for collecting and putting together the "story of the case." My firm was often called  
24 on to support and assist with deposition preparation for other firms, and to advise other firms on  
25 correct versions of exhibits. My firm also was primarily responsible for managing the translation  
26 process and the voluminous and complicated translation objection process on behalf of DPPs,  
27  
28

1 including the supervision of translations by reviewers, working with the other plaintiff groups and  
2 translation vendors regarding the selection and processing of certified translations, and working to  
3 respond to and negotiate the many translation objections lodged by defendants.

4 5. HBSS also played an integral role in providing overall strategy guidance for the  
5 case against Mitsubishi. My firm also took depositions of Mitsubishi employees, participated in  
6 several mediation sessions with Mitsubishi and prepared for trial as part of the Mitsubishi trial  
7 team.  
8

9 6. Attached hereto as **Exhibit B** is my firm's total hours and lodestar, computed at  
10 historical rates, from the inception of DPPs' case against the Mitsubishi Electric Defendants and  
11 the Thomson Defendants (Case No. 14-CV-2058-JST, filed May 5, 2014) through October 31,  
12 2016. The total number of hours spent by HBSS during this period of time was 2278.1, with a  
13 corresponding lodestar of \$914,944.20. This summary was prepared from contemporaneous, daily  
14 time records regularly prepared and maintained by HBSS. The lodestar amount reflected in  
15 Exhibit B is for work assigned by Lead Counsel, and was performed by professional staff at my  
16 law firm for the benefit of the DPP Class. None of these hours were included in connection with  
17 DPPs' first fee and expense application (ECF No. 4055).  
18

19 7. The hourly rates for the attorneys and professional support staff in my firm included  
20 in Exhibit B are the usual and customary hourly rates charged by HBSS.

21 8. HBSS has expended a total of \$2,392.06 in unreimbursed costs and expenses in  
22 connection with the prosecution of DPPs' case against the Mitsubishi Electric Defendants and the  
23 Thomson Defendants. These costs and expenses are broken down in the chart attached hereto as  
24 **Exhibit C**. They were incurred on behalf of DPPs by HBSS on a contingent basis and have not  
25 been reimbursed. The expenses incurred in this action are reflected on the books and records of my  
26 firm. These books and records are prepared from expense vouchers, check records and other  
27  
28

1 source materials and represent an accurate recordation of the expenses incurred. None of these  
2 expenses were included in connection with DPPs' first fee and expense application (ECF No.  
3 4055).

4 9. I have reviewed the time and expenses reported by HBSS in this case which are  
5 included in this declaration, and I affirm that they are true and accurate.

6  
7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct.

9 Executed on March 23, 2017 at Seattle, Washington.

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12 Anthony D. Shapiro  
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**ATTESTATION**

I, R. Alexander Saveri, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ R. Alexander Saveri  
R. Alexander Saveri

# **EXHIBIT A**





HAGENS BERMAN



EXPERIENCE.  
INNOVATION.  
RESULTS.





Hagens Berman is a national leader in class-action litigation driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.



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## The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group of people. The firm initially focused on class action and other types of complex, multi-party litigation always representing plaintiffs/victims. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest, and now represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

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*We are one of the nation's leading class action law firms, and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.*

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**OUR FOCUS.** Our main focus is to represent plaintiffs/victims in securities and investment fraud, product liability, tort, antitrust, consumer fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy in order to place maximum pressure on the defendant.

**WE WIN.** We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

**WHAT MAKES US DIFFERENT.** We achieve results—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client, Hagens Berman finds ways to return real value.

**A NATIONWIDE REACH.** The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Boston, Chicago, Colorado Springs, Los Angeles, New York, Phoenix, San Francisco, and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona, Illinois, and Idaho.

## Locations

### SEATTLE

1918 8th Avenue, Suite 3300  
Seattle, WA 98101  
(206) 623-7292 phone  
(206) 623-0594 fax

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55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
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(617) 482-3003 fax

### CHICAGO

455 N. Cityfront Plaza Drive, Suite 2410  
Chicago, IL 60611  
(708) 628-4949 phone  
(708) 628-4950 fax

### COLORADO SPRINGS

2301 E. Pikes Peak Avenue  
Colorado Springs, CO 80909  
(719) 635.0377 phone  
(719) 635-2920 fax

### LOS ANGELES

301 North Lake Avenue, Suite 203  
Pasadena, CA 91101  
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One Penn Plaza, 36th Floor  
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### PHOENIX

11 West Jefferson Street, Suite 1000  
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(510) 725-3001 fax

### WASHINGTON, D.C.

1701 Pennsylvania Ave. NW, Suite 300  
Washington, D.C. 20006  
(202) 248-5403 phone  
(202) 580-6559 fax

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

— Associated Press

## Elite Trial Lawyers

2014 & 2015, *The National Law Journal*

## The Plaintiffs’ Hot List: The Year’s Hottest Firms

2006, 2007, 2009-2013 & 2015, *The National Law Journal*

## Most Feared Plaintiffs Firms

2015, *Law360*

“**Landmark consumer cases are business as usual** for Steve Berman.”

— *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

— U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

— U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

## VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

## MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

## DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

## ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

## CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

## AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

## LUPRON CONSUMER LITIGATION

Hagens Berman secured **\$150 million** settlement on behalf of patients using Lupron for prostate cancer.

## EXPEDIA HOTEL TAXES AND FEES LITIGATION

Hagens Berman obtained summary judgment in this class action to recover deceptive service fees and settled the case for **\$123.4 million**.

# Practice Areas



**PRACTICE AREAS**

## Investor Fraud – Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

› **Charles Schwab Securities Litigation**

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

**RESULT:** \$235 million class settlement for investors.

› **Oppenheimer**

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

**RESULT:** \$100 million for the classes.

› **Tremont**

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Maddoff.

**RESULT:** \$100 million settlement between investors, Tremont and its affiliates.

› **Enron**

Co-lead counsel in ERISA litigation.

**RESULT:** More than \$250 million, the largest ERISA settlement in history.

› **Boeing**

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

**RESULT:** Record-breaking settlement of more than \$92.5 million.

› **J.P. Morgan – Madoff**

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

**RESULT:** \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

**PRACTICE AREAS**

## Investor Fraud – Individual and Class Action Litigation

**> Morrison Knudsen**

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

**RESULT:** More than \$63 million for investors.

**> Raytheon/Washington Group**

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

**RESULT:** \$39 million settlement.

**> U.S. West**

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

**RESULT:** The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

Our current casework includes:

**> China MediaExpress**

Represent investors in this case against a company that purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in an accounting fraud that ultimately led to the demise of the Company. A \$12 million settlement has been obtained from Deloitte Touche Tohmatsu, and we continue efforts to collect a \$535 million judgment we obtained against the Company.

**WHISTLEBLOWERS**

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the "Wall Street Tip-Off Law."

The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

**PRACTICE AREAS**

## Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

**PORTFOLIO MONITORING.** Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

**TRACKING.** Alerts clients of any significant portfolio losses due to suspected fraud.

**ANALYSIS.** Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

**REPORTING.** Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

**PRACTICE AREAS****Antitrust**

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive, anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

**> Visa/MasterCard**

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

**RESULT:** \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

**> DRAM**

Claiming DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

**RESULT:** \$375 million settlement.

**> Apple E-books**

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. Further settlement with Apple is pending.

**RESULT:** Potential \$450 million total settlement.

**> EA Madden**

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

**RESULT:** \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

**> AC Nielsen**

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

**RESULT:** \$55 million settlement.

## PRACTICE AREAS

# Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive, and fraudulent practices.

We realize that often-voiceless consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- False, deceptive advertising of consumer products and services
- False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

### ➤ **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

**RESULT:** Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

### ➤ **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

**RESULT:** Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

### ➤ **Hyundai Kia**

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

**RESULT:** The result was a lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150% of cash award) or new car discount (200% of cash award) options.

**PRACTICE AREAS**

## Consumer Protection - General Class Litigation

**> Equity-Indexed Annuities**

Hagens Berman has sued a number of insurers, alleging that they knowingly engaged in an unethical and fraudulent scheme targeted towards senior citizens. The lawsuits allege that the insurers exploit customers' fears of outliving their assets and push them into deferred annuities that tie up their investments and savings for 10 to 20 years. These annuity products carry large surrender charges and create complications for loved ones dealing with estates when family members pass.

**RESULT:** In settlements valued at \$129 million and \$80 million respectively, American Equity Investment Life Insurance Company and Midland National Insurance Company agreed to significantly reduce surrender charge penalties under certain circumstances (in some instances up to a 100% reduction), refund a portion of surrender charges paid, and provide annuitization bonuses.

**> Consumer Insurance Litigation**

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.



**PRACTICE AREAS**

## Consumer Protection - Defective Product Litigation

When a product fails to meet accepted or advertised standards, the results can be costly, hazardous or even deadly. In such cases, consumers deserve relief. Hagens Berman is nationally recognized for successful prosecution of lawsuits involving a wide range of such defective products, from faulty building and home products to defective cars, computers, software, electronics, and toys.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Select firm successes representing consumers in defective product class litigation include:

**> Toyota Sudden, Unintended Acceleration Litigation**

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

**RESULT:** Settlement package valued at up to \$1.6 billion.

**> Louisiana-Pacific Siding Litigation**

Served as co-lead counsel in a nationwide case involving defective siding installed on 800,000 homes that soaked up moisture, resulting in swelling and cracking.

**RESULT:** More than 130,000 claims have been paid exceeding \$500 million in total.

**> Polybutylene Pipe Litigation**

This litigation charged Shell Oil Company, E. I. du Pont de Nemours and Hoescht Celanese with manufacturing and marketing defective polybutylene pipes and plumbing systems. Hagens Berman served as co-lead counsel for the class.

**RESULT:** A settlement providing a minimum of \$950 million, which, at the time, was the largest class-action settlement of its kind.

**> Nissan Quest Accelerator Litigation**

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

**RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

**> Hyundai Horsepower Litigation**

Co-lead counsel in a class-action lawsuit against Hyundai that claimed the company overstated the horsepower of 1.3 million vehicles and inflated the value of certain Hyundai models.

**RESULT:** Owners of each vehicle will receive up to \$225 in cash or up to \$325 in credit with Hyundai dealers. The cost of the settlement to Hyundai ranges from \$76 million to \$127 million.

The firm's current cases involving product defects include:

**> General Motors Ignition Switch Litigation**

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to over 100 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect.

**> Lumber Liquidators**

Co-lead counsel representing a class of consumers who purchased Lumber Liquidators flooring tainted with toxic levels of formaldehyde.

**PRACTICE AREAS**

## Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

**RECENT ANTITRUST RESOLUTIONS**

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

**> Prograf Antitrust Litigation**

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

**RESULT:** The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

**> Skelaxin Antitrust Litigation**

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

**RESULT:** \$73 million class settlement

**> Flonase Antitrust Litigation**

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

**RESULT:** \$150 million class settlement

**FRAUDULENT DRUG PRICING RESOLUTIONS**

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

**PRACTICE AREAS**

## Consumer Protection - Drug and Supplement Litigation

**> McKesson and First DataBank Drug Litigation**

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

**RESULT:** \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

**> Average Wholesale Price Drug Litigation**

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

**RESULT:** Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

**FRAUDULENT MARKETING RESOLUTIONS**

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

**> Neurontin Third Party Payor Litigation**

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

**RESULT:** A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

**> Vioxx Third Party Payor Marketing and Sales Practices Litigation**

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

the drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

**RESULT:** \$80 million settlement

**> Serono Drug Litigation**

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

**RESULT:** \$24 million settlement

**> Bayer Combination Aspirin/Supplement Litigation**

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women's Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

**RESULT:** \$15 million settlement

**PRACTICE AREAS**

## Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

› **CB Richard Ellis Sexual Harassment Litigation**

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

**RESULT:** An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

› **Costco Wholesale Corporation Wage & Hour Litigation**

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

**RESULT:** \$15 million cash settlement on behalf of the class.

› **Washington State Ferry Workers Wage Litigation**

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

**RESULT:** Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

› **SunDance Rehabilitation Corporation**

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

**RESULT:** \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

Some of the firm's current cases in this area include:

› **Swift Transportation**

Hagens Berman filed suit against national trucking company Swift Transportation, alleging that it shortchanged its drivers by not paying them on the actual miles traveled when driving. The case is scheduled for trial in October 2015.

› **Schneider National Carriers**

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

**PRACTICE AREAS**

## Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

**> World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

**> Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

**> Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

**> Chiquita Bananas**

Hagens Berman filed suit against Chiquita Brands International, alleging that it also misled consumers about its environmental record. The complaint alleges that Chiquita purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents.

**PRACTICE AREAS**

## Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

**FALSE CLAIMS ACT**

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

**> In U.S. ex rel. Lagow v. Bank of America**

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

**RESULT:** The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

**> In U.S. ex rel. Mackler v. Bank of America**

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

**RESULT:** The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

**> In U.S. ex rel. Horwitz v. Amgen**

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

**RESULT:** \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

**SECURITIES AND EXCHANGE COMMISSION /  
COMMODITY FUTURES TRADING COMMISSION**

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into



**PRACTICE AREAS**

## Whistleblower Litigation

representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned by Direct Edge Holdings (and since acquired by Bats Global Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil

enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

**INTERNAL REVENUE SERVICE**

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

**PRACTICE AREAS**

## Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL) and the Fédération Internationale de Football Association (FIFA).

**> NCAA: Scholarships/Grants In Aid (GIAs)**

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. The most recent, and potentially far-reaching, case involves a suit on behalf of NCAA student-athletes against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

**> NCAA: Concussions**

Hagens Berman has also taken on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Currently, the firm is finalizing a proposed settlement that will make sweeping changes to the NCAA's approach to concussion treatment and prevention; provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; and establish a \$5 million fund for concussion research.

The core settlement benefits include:

A 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions. Examinations will include neurological and neurocognitive assessments to evaluate potential injuries. The monitoring program will be funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers.

Significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play, under the terms of the settlement. Additionally, a medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

**> Player Likeness Rights**

Hagens Berman attorneys representing student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics

The firm also represents NFL legend Jim Brown in litigation against videogame manufacturer Electronic Arts for improperly using his likeness in its NFL video games.

"We began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible," managing partner Steve Berman said. "But we were equally resolute that anyone – even a student-athlete playing under scholarship – should not be exploited for profit, especially by the organization that vowed to prevent the athlete from exploitation."

**PRACTICE AREAS****Sports Litigation****> USA Water Polo: Concussions**

Hagens Berman filed a class-action suit against USA Water Polo alleging the entity has neglected to enact concussion and head injury safety measures. The case arises from USA Water Polo's failure to take steps to recognize, manage and appropriately treat head injuries and concussions. The governing body for the sport allegedly failed to implement even a scant amount of concussion management care for its participants, representing an extreme departure from the ordinary standard of care.

**> FIFA/U.S. Soccer: Concussions**

Several current and former soccer players filed a class action against U.S. soccer's governing bodies, which led to sweeping safety measures brought to millions of US youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions.

The settlement suit against six of the largest youth soccer organizations eliminated heading for youth players and greatly diminishing risks of concussions and traumatic head injuries, and also set other benchmarks for concussion measurement and safety protocols.

**> NFL Films: Player Likeness**

Together with attorney and former NFL player, Bob Stein, Hagens Berman represents a group of accomplished retired NFL players who challenge the uncompensated use of the players' images by NFL Films. The firm originally filed suit on behalf of ten players in *Culp v. NFL Films*, but that suit was dismissed due to an injunction instituted while a previous settlement was finalized. However, U.S. District Judge Paul Magnuson lifted the injunction that would have barred further litigation for several years. This opened the doors for immediate further legal action by more than 2,000 retired players, including numerous NFL Hall-of-Famers.

**> Pop Warner**

Hagens Berman represents youth athletes who have suffered traumatic brain injuries due to gross negligence, and has filed a

lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the now 17-year-old paralyzed from the neck down. Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors are liable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head.

Hagens Berman encourages Pop Warner and high school student-athletes and/or parents or guardians to contact the firm if they believe a student-athlete has suffered a brain injury due to harm sustained during Pop Warner or high school sports.

**> MLB Foul Ball Injuries**

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat.

**> Other Cases**

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

**PRACTICE AREAS**

## Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

**> Big Tobacco**

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

**RESULT:** \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

**> McKesson Average Wholesale Price Litigation**

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

**RESULT:** Hagens Berman has started the AWP class action, which resulted in many states filing cases. HB represented several of those states in successful litigation.

**> McKesson Government Litigation**

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

**RESULT:** These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

**> Zyprexa Marketing & Sales Practices Litigation - Connecticut**

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful offlabel promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

**RESULT:** \$25 million settlement.

## PRACTICE AREAS

# Personal Injury and Abuse

For more than a decade, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

**Sexual Abuse Litigation** Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington.

**Nursing Home Negligence** Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

**Social Work Negligence** Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and

elderly adults, are responsible for critical aspects of the lives of tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

**Workplace Injury** While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

**Medical Malpractice** Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

**PRACTICE AREAS**

## Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

**> Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

**> Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of salesforce's platform for developing, customizing, and updating cloud-based software applications.

**> Nintendo**

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

**> Electronic Arts**

The firm represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials

against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

**> Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

**> Alnylam, MIT, Max Planck Institute**

The firm represents the University of Utah against Alnylam Pharmaceuticals Inc., Massachusetts Institute of Technology and Max Planck Institute in a suit seeking to correct inventorship on patents covering discoveries in gene therapy involving silencing of target gene expression in cells through RNA interference. Hagens Berman defeated a motion to dismiss the case at the district court, won again on appeal to the Federal Circuit and

*Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.*



**PRACTICE AREAS**

## Intellectual Property

defeated defendants' petition for certiorari by the Supreme Court. The case is set for trial in 2015.

**> Alcon**

The firm represents Femto-Sec Tech Inc. and its founder Joseph Neev in patent and breach of contract litigation against Alcon Laboratories and certain Alcon subsidiaries. The patents cover foundational applications of lasers in the fields of ophthalmic surgery and dermatology.

**> Bombardier Inc.**

The firm represents Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

Legal Team

**MANAGING PARTNER****Steve W. Berman**

*Served as lead counsel for the largest settlement in world history against Big Tobacco, the largest antitrust settlement, the largest ERISA settlement and, at the time, the largest U.S. securities settlement in U.S. history.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 35

**PRACTICE AREAS**

- > Antitrust/Trade Law
- > Consumer Protection
- > Securities/Investment Fraud
- > Whistleblower/*Qui Tam*
- > Patent Litigation

**BAR ADMISSIONS**

- > Washington
- > Illinois

**EDUCATION**

- > University of Chicago Law School, J.D., 1980
- > University of Michigan, B.A., 1976

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Berman's trial experience has earned him significant recognition and led *The National Law Journal* to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country.

Berman co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys.

**CURRENT ROLE**

- > Managing Partner, Hagens Berman Sobol Shapiro

**RECENT SUCCESS**

- > Consumer Rights
  - Represented 20 million class members against Toyota for its sudden unintended acceleration defect and subsequent economic loss to vehicle owners, achieving the largest settlement ever against an automotive company – \$1.6 billion.
  - Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, securing a settlement of at least \$400 million, with the potential to repay class members twice the amount of damages suffered.
- > Big Oil
  - Represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multi-million dollar award)
- > Big Pharma
  - Represented clients against Big Pharma in various actions ranging from price-fixing schemes to antitrust activities (more than \$1 billion in aggregate settlements)
- > Wall Street
  - Class-action securities case against Charles Schwab (\$235 million settlement)
  - Represented Enron employees who had their retirement accounts wiped out by Enron's fraud (largest ERISA settlement in U.S. history)
  - Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world (approved \$218 million settlement)

## MANAGING PARTNER

# Steve W. Berman

## RECOGNITION

- › Named a member of the 2014-2015 Lawdragon 500 Leading Lawyers in America
- › Voted one of the 100 most influential attorneys in America by *The National Law Journal* three times
- › Voted most powerful lawyer in the state of Washington by *The National Law Journal*
- › Hagens Berman named one of the top 10 plaintiffs' firms in the country, *The National Law Journal*
- › Selected as a Finalist for *Public Justice's* 2014 Trial Lawyer of the Year

## NOTABLE CASES

- › *State Tobacco Litigation*  
Lead counsel for 13 states in cases that led to the largest settlement in world history.
- › *WPPSS Securities Litigation*  
Member of trial team that led to the then largest securities case settlement.
- › *McKesson Drug Litigation*  
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and a \$350 million settlement for third-party payers and insurers.
- › *Average Wholesale Price Litigation*  
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for a settlement of \$338 million.
- › *McKesson Governmental Entity Litigation*  
Steve was lead counsel for a nationwide class of local governments that resulted in an \$82 million settlement for drug price-fixing claims.
- › *State and Governmental Drug Litigation*  
Steve served as outside counsel for the state of New York for its Vioxx claims, several states for AWP claims and several states for claims against McKesson.
- › *Optical-Disc Price Fixing Litigation*  
Lead counsel in action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.
- › *Electronic Arts Video Games Litigation*  
Nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL and NCAA, in order to lock up the market, brought on behalf of a national class of consumers who purchased the video games. A \$60 million settlement in the case against EA and the NCAA was reached, as well as a \$27 million settlement covering NFL title video games.
- › *Bank of America Home Affordable Modification Program (HAMP) Contract Litigation*  
Berman served as lead counsel in action on behalf of homeowners to whom the defendant allegedly promised mortgage modifications as part of a federal program but failed to provide.

**MANAGING PARTNER****Steve W. Berman****> Boeing Securities Litigation**

Berman served as lead counsel in a \$92 million settlement of a securities action concerning Boeing's merger with McDonnell Douglas.

**> Charles Schwab Securities Litigation**

Lead counsel in securities case resulting in \$235 million settlement and 45 percent and 82 percent recoveries for the class, high percentages for securities cases.

**> Enron Pension Protection Litigation**

Lead counsel for Enron employees whose retirement accounts were wiped out by Enron's fraud. Settlement was the largest ERISA settlement in U.S. history.

**> VW Emissions Defect Litigation**

Steve Berman is currently representing nationwide owners of Volkswagen CleanDiesel vehicles that were installed with an emissions-cheating software.

**> NCAA Concussions**

Steve is lead counsel in a class action seeking to protect NCAA student athletes in all sports.

**> NCAA Grant-In-Aid Litigation**

Steve is lead counsel in a case challenging the NCAA's collusion in refusing to allow student athletes to receive scholarships amounting to the full cost of attending school.

**> Orange County and Santa Clara County Opioid Litigation**

Opioid abuse is one of our nation's leading health disasters. Steve is leading the first litigation seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

**> General Motors Ignition Switch Defect Litigation**

Steve serves as lead counsel seeking to obtain compensation from the millions of GM car owners whose cars have diminished in value.

**> Lumber Liquidators Flooring**

Steve serves as lead counsel in ongoing litigation against Lumber Liquidators, seeking to represent a proposed class of consumers who unknowing purchased flooring tainted with toxic levels of cancer-causing formaldehyde.

**> Discriminatory Lending in Miami and Los Angeles**

Steve is currently representing the cities of Miami and Los Angeles in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America, alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax, and other damages to the cities.

**PERSONAL INSIGHT**

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the USA cycling team and who are trying to transition to the pro cycling tour.

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

# Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators  
—The National Law Journal*

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tom@hbsslaw.com

**YEARS OF EXPERIENCE**

> 32

**PRACTICE AREAS**

- > Pharmaceutical Fraud
- > Consumer Protection
- > Antitrust Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > Rhode Island
- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals
- > Supreme Court of the United States

**EDUCATION**

- > Boston University School of Law, J.D., cum laude, 1983
- > Clark University, B.A., summa cum laude, Phi Beta Kappa, 1980

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Boston office
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Currently court-appointed lead counsel for *In re Skelaxin Antitrust Litigation*, *In re Nexium Antitrust Litigation*, *In re Lipitor Antitrust Litigation*, *In re Effexor Antitrust Litigation*, and *In re Wellbutrin XL Antitrust Litigation*
- > Appointed lead counsel in MDL No. 2149: *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC, resulting in a \$200 million settlement
- > Lead counsel to the *Prescription Access Litigation (PAL)* project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

**RECENT SUCCESS**

- > *Neurontin class action marketing settlement* (\$325 million)
- > *NECC meningitis outbreak settlement* (\$200 million)
- > *Flonase direct purchaser litigation settlement* (\$150 million)
- > *Wellbutrin XL direct purchaser litigation* (\$37.5 million)
- > *First Databank litigation* (4% price reduction of most retail drugs)
- > *McKesson litigation* (\$350 million)
- > *Zyprexa litigation on behalf of the State of Connecticut* (\$25 million)
- > *Vioxx third party payor litigation* (\$80 million)
- > *Paxil direct purchaser litigation* (\$150 million)
- > *Co-lead trial counsel in the Neurontin MDL* (\$142 million RICO jury verdict)

**RECOGNITION**

- > Massachusetts Ten Leading Litigators, *The National Law Journal*

**EXPERIENCE**

- > Seventeen years in large Boston firm handling large complex civil litigation
- > Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- > Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- > Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- > Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Thomas M. Sobol****NOTABLE CASES****> \$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On Mar. 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the U.S. District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

*Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).*

**> \$150 Million Settlement for Consumers and TPPs for Purchases of Lupron**

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

*In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.*

**> \$150 Million Resolution on Behalf of Direct Purchasers of Paxil**

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

*In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.*

**> The Major First Databank Price Rollback**

The First Circuit Court of Appeals recently affirmed the approval of a settlement reached between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. and Medi-Span, two leading drug pricing publishers. The settlement resulted in a rollback of benchmark prices of some of the most common prescription medications and which could save consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class-action lawsuit brought on behalf of health benefit plans and consumers against First DataBank (FDB) and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost and the Average Wholesale Price from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payors.

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Thomas M. Sobol**

On June 6, 2007, Judge Patti B. Saris of the District of Massachusetts preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. An alphabet soup of associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and in a ruling on Sept. 4, 2009, the First Circuit Court of Appeals affirmed the approval of the settlement.

*New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D.Mass., Civil Action No. 05-cv-11148-PBS; District Council 37 Health and Security Plan et al v. Medi-Span, D.Mass., Civil Action No. 07-cv-10988-PBS.*

➤ **\$75 Million Resolution Against GSK and Its Predecessors for Relafen**

HBSS was court-appointed liaison counsel, and the firm has helped spearhead this litigation against GlaxoSmithKline Corporation and its predecessors, alleging that GSK fraudulently obtained a patent to prevent a generic version of Relafen, a frequently prescribed brand name pharmaceutical, from coming to market. Litigated for 12 to 18 months, HBSS announced a proposed \$75 million resolution of end-payor claims in 2004.

*In re Relafen Antitrust Litigation, D.Mass., Master File No. 01-12239-WGY.*

➤ **\$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, U.S. District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in State of Connecticut v. Eli Lilly and Co., approving the \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the state and its taxpayers.

*State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.*

➤ **\$65.7 Million Recovery in Antitrust Action Concerning Tricor**

On Oct. 29, 2009, Chief Judge Sue Robinson of the District of Delaware approved a \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor. Plaintiffs alleged Abbott and Fournier manipulated the statutory framework regulating the market for pharmaceuticals by instituting baseless patent litigation against generic manufacturers, and manipulative switching of dosage strengths and forms, which resulted in delayed entry of generics and thus lower prices into the market. HBSS served as Co-Lead Class Counsel in the case.

*In re Tricor Indirect Purchaser Antitrust Litigation, D.Del., Civil Action No. 05-cv-360.*



**PARTNER, EXECUTIVE COMMITTEE MEMBER****Anthony D. Shapiro**

*Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of \$1 million for his clients numerous times.*

**CONTACT**

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tony@hbsslaw.com

**YEARS OF EXPERIENCE**

> 33

**PRACTICE AREAS**

> Antitrust Litigation  
> Personal Injury Litigation

**BAR ADMISSIONS**

> Washington State Bar

**EDUCATION**

> Georgetown University Law  
Center, J.D., 1982  
> Colgate University, B.A.,  
History, 1979

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Personal Injury Group including wrongful death, brain injury and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

**RECENT SUCCESS**

- > Lead counsel in *In re DRAM Antitrust Litigation* (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including *In re LCD Antitrust Litigation* (\$500 million)

**RECOGNITION**

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2000-2014

**EXPERIENCE**

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

**LEGAL ACTIVITIES**

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

**NOTABLE CASES**

- > *Mantria Class Action*
- > *Air Cargo Antitrust Litigation*
- > *Baby Food Antitrust Litigation*
- > *Brand Name Prescription Drug Antitrust Litigation*
- > *Bromine Antitrust Litigation*
- > *Carbon Dioxide Antitrust Litigation*
- > *Carpet Antitrust Litigation*
- > *Commercial Tissue Products Antitrust Litigation*

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Anthony D. Shapiro**

- › *Compressors Antitrust Litigation*
- › *Concrete Antitrust Litigation*
- › *Containerboard Antitrust Litigation*
- › *CRT Antitrust Litigation*
- › *DRAM Antitrust Litigation*
- › *Exxon Valdez Oil Spill Litigation*
- › *Fasteners Antitrust Litigation*
- › *Flat Glass Antitrust Litigation*
- › *Forced Place Insurance – Wind Antitrust Litigation*
- › *High Fructose Corn Syrup Antitrust Litigation*
- › *Infant Formula Antitrust Litigation*
- › *Lease Oil Antitrust Litigation*
- › *Linerboard Antitrust Litigation*
- › *LCD Antitrust Litigation*
- › *Magazine Paper Antitrust Litigation*
- › *Medical X-Ray Film Antitrust Litigation*
- › *OSB Antitrust Litigation*
- › *Polyurethane Antitrust Litigation*
- › *Scouring Pads Antitrust Litigation*
- › *SRAM Antitrust Litigation*
- › *Steel Antitrust Litigation*
- › *Toilet Nut Product Defect Litigation*

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Robert B. Carey**

*Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [Download photo »](#)*

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**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

- > Personal Injury Litigation
- > Insurance Bad Faith
- > Breach of Contract Claims

**BAR ADMISSIONS**

- > Arizona
- > Colorado
- > U.S. Supreme Court
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Eighth Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

**EDUCATION**

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

Mr. Carey handles class-action lawsuits against many different types of organizations and companies. Recently, he has litigated the Propane Exchange Tank Litigation, Hyundai/Kia MPG Litigation, and the Swift Truckers Litigation. He has served as lead counsel in cases such as the LifeLock Sales and Marketing Litigation, Hyundai Motor America's cases on sub-frame corrosion and airbag systems, and the State of Arizona's claim against McKesson Corporation for overcharging on prescription drugs.

Mr. Carey experience extends to bad-faith insurance, personal injury, medical malpractice, with several jury trials involving verdicts with as much as \$75 million at stake. He has argued high-profile cases in federal and state courts across the country. In the '90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

From 1990 to 1996, as Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. There, Mr. Carey developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights. He was a principal drafter of the first major overhaul of Arizona's criminal code, and drafted key parts of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl. He served as a campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office. In the past, he served as a judge pro tempore in Maricopa County Superior Court, presiding over contract and tort jury trials. Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey enjoys teaching law and public policy courses, most recently at the ASU's Sandra Day O'Connor College of Law.

Mr. Carey earned his bachelor's degree at Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Phoenix and Colorado Springs offices
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases
- > Routinely handles jury trials for high-value cases

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Robert B. Carey****RECENT SUCCESS**

- › Helped start HB's efforts against GM for its ignition system and other recall problems, which is now in the MDL with Hagens Berman leading the litigation
- › Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman's complaints for a case that eventually settled for \$1.6 billion
- › Prevailed in a jury trial in a copyright case about the iconic Madden NFL video game, with two jury verdicts against Electronic Arts. The effort was selected by The Daily Journal, a leading legal publication, as a Top Trial Verdict of 2013
- › Led Hagens Berman's efforts on the \$400 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- › Helped secure a first-ever (\$60M) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes, even current ones, with cash recoveries for the use of their likenesses without permission.
- › Numerous jury verdicts in trials, including complex matters, phasing of threshold issues, liability and damages, trials with more than \$75M at stake and recoveries of treble and punitive damages
- › While serving as Arizona Chief Deputy Attorney General:
  - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
  - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

**RECOGNITION**

- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- › U.S. Department of Justice, recognized for victims' rights efforts
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › For his work with the Hagens Berman Toyota team, Mr. Carey was selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year.

**EXPERIENCE**

- › Arizona Chief Deputy Attorney General
- › Adjunct Professor, Sandra Day O'Connor College of Law
- › Judge Pro Tempore, Maricopa County Superior Court

**LEGAL ACTIVITIES**

- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

**PUBLICATIONS**

- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"

**PARTNER**

## Leonard W. Aragon

*Before attending college, Mr. Aragon fulfilled his dream as a scout for the 2/68 Armored Tank Battalion.*

**CONTACT**

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(602) 840-3012 fax  
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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

**BAR ADMISSIONS**

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

**EDUCATION**

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, summa cum laude, 1998

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation* which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student-athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student-athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

**RECENT SUCCESS**

- > Multimillion dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multimillion dollar class-action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football video game franchise in phased trial over unpaid royalties

**RECOGNITION**

- > Super Lawyers, Rising Star: Class Action/Mass Tort

**LEGAL ACTIVITIES**

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Pro bono work in insurance, immigration, family and contract law

**NOTABLE CASES**

- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Keller v. Electronic Arts Inc.*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > *Hunter v. Hyundai Motor America*
- > *Jim Brown v. NCAA; Liebich v. Maricopa County Community College District*

**PARTNER**

## Lauren Guth Barnes

*Ms. Barnes was honored with a 2013 Excellence in the Law Up & Coming Lawyer award by the Massachusetts Bar Association and Mass Lawyers Weekly.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 10

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights
- > Mass Torts
- > Medical Devices
- > Pharmaceuticals/Health Care Fraud

**BAR ADMISSIONS**

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > U.S. Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

**EDUCATION**

- > Boston College Law School, J.D., cum laude, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, cum laude, 1998

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers, in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Co-lead class counsel for direct purchasers in In re Niaspan Antitrust Litigation
- > Liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Co-lead class counsel for direct purchasers in the Suboxone and Solodyn MDLs
- > Represents health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program

**RECOGNITION**

- > National Law Journal Boston Rising Star Award (2014)
- > Massachusetts Academy of Trial Attorneys President's Award (2014)
- > Massachusetts Bar Association Up & Coming Lawyer Award (2013)
- > AAJ New Lawyers Division Excellence Award (2009-2010, 2010-2011)
- > AAJ New Lawyers Division Above and Beyond Award (2011-2012)
- > AAJ Wiedemann & Wysocki Award (July 2012, July 2013)

**EXPERIENCE**

- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on this issue on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare

**PARTNER**

## Lauren Guth Barnes

- › Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies and contributed to *Imagine Coexistence*, a book developed out of the collaboration

**LEGAL ACTIVITIES**

- › American Association for Justice (AAJ)
  - Executive Committee, Member (2014-present)
  - Board of Governors, Member (2012-present)
  - Women Trial Lawyers Caucus, Former Chair (2012-2013)
  - Class Action Litigation Group, Former Co-Chair (2011-2012)
  - New Lawyers Division, Board of Governors (2009 to present)
  - Committees (various), Member
  - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Massachusetts Academy of Trial Attorneys
  - Executive Committee, Member (2012-2013)
  - Board of Governors, Member (2011-present)
  - Women's Caucus, Co-Chair (2008 to present)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-present)
- › Public Justice, Class Action Preservation Project, Member

**NOTABLE CASES**

- › **Antitrust action for direct purchasers of Skelaxin**  
 On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.  
*In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343.*
- › **Health care coverage for 40,000 legal immigrants in Massachusetts**  
 On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel.  
*Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025.*

**PARTNER**

## Lauren Guth Barnes

**> \$25 million for the state of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

*State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.*

**PUBLICATIONS**

- > ["How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act,"](#) Harvard Law and Policy Review, August 2015

**EXPERIENCE**

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her small children count. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.



**PARTNER**

Peter E. Borkon

*Providing institutional investors practical advice and solutions.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

> Securities Litigation  
> Antitrust Litigation

**BAR ADMISSIONS**

> California  
> Illinois

**COURT ADMISSIONS**

> Supreme Court of the United States  
> Supreme Court of California  
> Supreme Court of Illinois  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Central District of California  
> U.S. District Court for the Northern District of Illinois  
> U.S. District Court of Colorado  
> U.S. District Court for the Eastern District of Wisconsin  
> U.S. District Court for the Western District of Wisconsin  
> U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

> Southern Illinois University at Carbondale, J.D., 1996  
> DePauw University, B.A., 1992

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits

**RECENT SUCCESS**

> Key team member in *In re Homestore Securities Litigation* (more than \$100 million settlement)  
> Team member in several securities class actions including:  
- *In re China Media Ezpress Holdings, Inc. Securities Litigation* (\$12 million settlement)  
- *In re Northwest Biotherapeutics Securities Litigation* (\$1 million settlement)  
- *In re BigBand Networks Securities Litigation* (\$11 million settlement)  
- *In re Charles Schwab Corp. Securities Litigation* (\$235 million settlement)  
- *In re Reserve YieldPlus Fund Securities Litigation* (currently in mediation)  
- *In re JP Morgan Madoff Litigation* (\$218 million settlement)  
- *In re Oppenheimer Core & Champion Bond Funds* (\$100 million settlement)

**RECOGNITION**

> Northern California Rising Star, *Super Lawyers Magazine*, 2010, 2011  
> Super Lawyer, *Super Lawyers Magazine*, 2012, 2015  
> Steinberg Leadership Fellow with the Anti-Defamation League

**EXPERIENCE**

> Clerk, Chief Judge of the Southern District of Illinois  
> Staff Attorney, Ninth Circuit Court of Appeals  
> He has also served as an Adjunct Professor at the University of California Hastings College of Law

**LEGAL ACTIVITIES**

> Member, Council of Institutional Investors (CII)  
> Member and Speaker, Michigan Association of Public Employee Retirement Systems (MAPERS)  
> Member, State Association of County Retirement Systems (SACRS)  
> Member, California Association of Public Retirement Systems (CALAPRS)  
> Member, Illinois Public Pension Fund Association (IPPFA)  
> Member, Georgia Association of Public Pension Trustees (GAPPT)  
> Member, Alternative Investments and SEC working groups, National Association of Public Pension Attorneys (NAPPA)  
> Member and Speaker, International Foundation of Employee Benefit Plans (IFEBCP)

**PARTNER****Peter E. Borkon**

- › Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- › Member, National Association of Securities Professionals (NASP)
- › Member, National Association of Government Defined Contribution Administrators (NAGDCA)
- › Member, National Council on Teacher Retirement (NCTR)
- › Co-Chair of the Board of Directors of the AIDS Legal Referral Panel
- › Co-Chair of the Bay Area Lawyers for Individual Freedom's Judiciary Committee
- › Trained to serve as a Judge Pro Tem in San Mateo County
- › Serves as a Judge Pro Tem in the City and County of San Francisco Superior Court
- › Member, Federal Bar Association, Northern District of California Chapter
- › Member, U.S. District Court for the Northern District of California's Lawyer Representatives Committee (2015 - 2018)
- › Member, U.S. District Court for the Northern District of California's Federal Practice Program Board (2015 - 2018)
- › Member, Alameda County Bar Association
- › Member, Bar Association of San Francisco

**PRESENTATIONS**

- › "Top Ten Practices of High Performing Public Retirement Plan Boards," NCPERS Public Safety Employees Pension & Benefits Conference, October 2015
- › "Fee Shifting, Bylaws and Courts: The Ever-Shrinking World of Investor Protections!," GAPPT Annual Conference, September 2015
- › "Funds, Fees & Affiliates (Oh, My!) - SEC OCIE's Examination of the Private Fund World," NAPPA 2015 Legal Education Conference, June 2015 "Securities Litigation: A Panel Discussion," MAPERS 2014 Spring Conference, May 2014
- › "Who Wants To Be A Fiduciary?," NCPERS, Trustee Educational Seminar, April 2014
- › Annual Securities Litigation & Enforcement 2014 Update Panel Discussion, April 2014
- › "A Different Kind of Income Pick-Up Strategy," CFA Society of New Mexico, December 2013
- › "SEC Announces Its 'Top Priorities' Include Enforcement Against States Issuing Municipal Bonds; Are County Issuers Next?," CACTTC, Annual Conference, June 2013
- › "Avoiding a Front Page Scandal at Your Pension Fund: Learning by Example," NCPERS, Annual Conference, May 2013
- › Board Ethics Training at the Ohio Police and Fire Pension Fund, April 2013
- › "International Investment after Morrison," GAPPT, Annual Conference, September 2012
- › Legal Round Table, MAPERS, Spring Conference, May 2012
- › "Opportunities to Recover Fund Assets Using Securities Litigation," IPPFA, Spring Conference, May 2012
- › "The Good, the Bad and the Ugly -The Safety Pension Edition," NCPERS, TEDS Conference, May 2012
- › "Occupy Wall Street through Reform of the Securities Law," NCPERS, Legislative Conference, February 2012

**PARTNER****Peter E. Borkon**

- “The Good, the Bad and the Ugly – The Safety Pension Edition,” NCPERS, Public Safety Employee Pension & Benefit Conference, October 2011
- “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011
- “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010

**PUBLICATIONS**

- “Omnicare: It’s Not a Life if I Believe What I Say, Right?,” Hagens Berman, HBSS Securities News, Fall 2015
- “Fasten Your Seatbelts, Supreme Court Creating a Bumpy Ride... or, Is it?,” Hagens Berman, HBSS Securities News, Summer 2014
- “SEC’s Message: Bond Issuers Must Provide Full, Accurate and Timely Information About Their Financial Condition or Face Prosecution,” Hagens Berman, HBSS Securities News, November 2013
- “Court Limits SEC’s Foreign Reach,” Hagens Berman, HBSS Securities News, May 2013
- “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- “Say-On-Pay – More Bark Than Bite?,” Hagens Berman, HBSS Securities News, November 2012
- “Citizens United and the Assault on Public Pensions,” NCPERS, PERSist Article, Summer 2012, Volume 25, Number 3, August 2012
- “Citizens United and The Assault on Public Pensions, Marin County Association of Retired Employees / A member of CRCEA-California Retired County Employees Association, Keeping in Touch Letter”, June 2012
- “Citizens United and the Assault on Public Pensions, Hagens Berman, HBSS Securities News, May 2012
- “Investors Need Private Enforcement of Securities Law,” Hagens Berman, HBSS Securities News, November 2011
- “Balancing Sensible Governance Against Failed Principles: Is this the End to the Wild West of Investing?,” NAPPA, The NAPPA Report, October 2008

**PARTNER**

## Jeniphr A.E. Breckenridge

*Ms. Breckenridge has practiced with the firm since its founding in 1993.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 26

**PRACTICE AREAS**

- > Securities / Investor Fraud
- > Consumer Rights
- > Products Liability

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

**EDUCATION**

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro, where she has practiced since the firm's founding.
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

**NOTABLE CASES**

- > *Metropolitan Securities Litigation*
- > *Boeing Securities Litigation*
- > *Raytheon Securities Litigation*
- > *Average Wholesale Price Litigation*
- > *In re Pet Food Products Liability Litigation*
- > *Toyota Unintended Acceleration Litigation*
- > State Tobacco cases

**PARTNER****Elaine T. Byszewski**

*Involved in firm's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

- > Consumer Protection
- > Qui Tam
- > Antitrust Litigation
- > Appellate

**BAR ADMISSIONS**

- > State Bar of California
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals for the Ninth Circuit
- > U.S. District Court for the Eastern District of California

**EDUCATION**

- > Harvard Law School, J.D., cum laude, 2002
- > University of Southern California, B.S., Public Policy, summa cum laude, 1999

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multi-million dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > Currently, Ms. Byszewski is involved in:
  - Hagens Berman's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers.
  - Multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk.
  - Deceptive advertising case against SeaWorld involving its undisclosed mistreatment of orcas.
  - Deceptive advertising case against SunRun.

**RECENT SUCCESS**

- > Member of team led by Steve Berman that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice's Trial Lawyer of the Year award

**NOTABLE CASES**

- > *Municipal Lending Discrimination Litigation*
- > *Dairy Cooperatives Antitrust Litigation*
- > *SeaWorld Consumer Lawsuit*
- > *Toyota Unintended Acceleration*
- > *Ford Spark Plugs*
- > *SunRun, Inc. Advertising Litigation*
- > *AstraZeneca Pharmaceuticals (Nexium) Litigation*
- > *Merck (Vioxx) Litigation*
- > *Berkeley Nutraceuticals (Enzyte) Litigation*
- > *Solvay Pharmaceuticals (Estratest) Litigation*
- > *Apple iPod Litigation*
- > *Costco Wage and Hour Litigation*

**EXPERIENCE**

Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

**PARTNER**

Elaine T. Byszewski

**PUBLICATIONS**

- “Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship,” *Animal Law Review*, 2003, Winner of the Animal Law Review’s 5th Annual Student Writing Competition
- “What’s in the Wine? A History of FDA’s Role,” *Food and Drug Law Journal*, 2002
- “ERISA and RICO: New Tools for HMO Litigators,” *Journal of Law, Medicine & Ethics*, 2000

**PERSONAL INSIGHT**

Ms. Byszewski’s proudest moment was teaching her older son to swim. Tennis is next on the agenda. Her biggest challenge is keeping her two year old out of trouble.

**PARTNER****Ari Brown**

*In the course of litigating cases involving predatory lending, Mr. Brown has aided in establishing significant legal precedent that has helped inform the law regarding consumer rights used throughout the country.*

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Consumer Rights
- > Environmental Litigation
- > Civil RICO

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > U.S. District Court, Eastern District of Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

- > Seattle University School of Law, J.D., magna cum laude, 1999
- > Grinnell College, B.A., History, 1991

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions involving consumer-related claims
- > Represents home mortgage borrowers who have been subjected to predatory practices at the hands of lenders, mortgage brokers, title insurers and escrow companies
- > Pursues claims against banks for manipulating transactions and charging overdraft fees and against credit card companies for deceptive marketing practices
- > Pursues claims on behalf of people harmed by pollution from neighboring power plants

**EXPERIENCE**

- > Represented people pursuing their rights as consumers and, in particular, as home mortgage borrowers. In the course of litigating cases involving predatory lending, Mr. Brown has helped establish significant legal precedent that has helped inform the law regarding consumer rights used throughout the country.
- > Combat tank gunner in the Israeli Defense Force
- > Coach and social worker with homeless youth in New York

**PUBLICATIONS**

- > "Obscured by Smoke: Medicinal Marijuana and the Need for Representation Reinforcement Review," 22 Seattle University L. Rev. 176 (1999)
- > "What makes Mortgages Predatory and Actionable," Seattle University School of Law, October 2007

**NOTABLE CASES**

- > *In re Bank of America Home Affordable Modification Program (HAMP) Contract Litigation, No. 1:10-md-02193 RWZ (D. Mass.):* An action on behalf of homeowners to whom the defendant allegedly promised mortgage modifications as part of a federal program
- > *In re Checking Account Overdraft Litigation No. 1:09-MD-02036-JLK (S.D. Fla):* An action on behalf of banking customers against whose accounts were allegedly charged repeated overdraft fees based on the way the banks manipulated transactions
- > *Pierce v. Novastar Mortg., Inc. 238 F.R.D. 624, 2006 WL 3422064 (W.D.WA 2006):* Certifying a class on behalf of Washington State borrowers based on a lender's alleged failure to disclose a yield spread premium paid in addition to up-front closing costs

**PARTNER****Ari Brown**

- *Brazier v. Security Pacific Mort., Inc.*, 245 F. Supp. 2d 1136 (W.D. WA 2003): Establishing for the first time in Washington that a mortgage broker's late disclosure of loan terms, including a yield spread premium, constituted an unfair and deceptive practice for purposes of the Washington Consumer Protection Act
- *Anderson v. Wells Fargo Home Mortg.*, 259 F. Supp. 2d 1143 (W.D. WA 2003): Ruling that broker acted unfairly inducing a borrower to sign closing documents immediately following major surgery and cancer treatment and providing inadequate written disclosures of mortgage terms that led to borrower facing foreclosure after mortgage payments nearly tripled
- *Little et. al. v. Louisville Gas & Electric Co. No. 3:13-cv-01214-JHM-JDM* (W.D. KY): An action on behalf of residents living next to a coal fired power plant that has been emitting coal ash and dust containing toxic metals in violation of state regulations and federal law



**PARTNER**

## Jennifer Fountain Connolly

*Successfully litigates complex fraud cases involving all types of industries.*

**CONTACT**

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jenniferc@hbsslaw.com

**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

- > *Qui Tam*
- > Antitrust Litigation
- > Consumer Protection

**BAR ADMISSIONS**

- > Colorado
- > Illinois
- > District of Columbia

**EDUCATION**

- > University of Denver College of Law, J.D., 1998
- > University of Chicago, B.A., High Honors, Special Honors in English, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Washington D.C. office
- > Practice focuses on pharmaceutical pricing fraud cases, *qui tam* litigation, antitrust class actions and other types of complex litigation
- > Specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions

**RECENT SUCCESS**

- > Significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand name prescription drugs (\$350 million settlement)
- > Public payor case for municipalities throughout the United States (\$82 million settlement)
- > Represented numerous state attorneys general in similar claims against McKesson
- > Key member of the Hagens Berman-led team that successfully tried the *Average Wholesale Price litigation* against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals

**EXPERIENCE**

- > Partner, Wexler Wallace LLP
- > Associate, Netzorg McKeever Koclanes & Bernhardt LLP (now Sherman & Howard, LLC)
- > Assistant Attorney General, Business Regulation Unit, Colorado Attorney General's Office

**NOTABLE CASES**

- > *McKesson Corporation Litigation*
  - Private class action (\$350 million settlement)
  - Municipal class action (\$82 million settlement)
  - Multiple state attorney general actions were favorably resolved
- > *AWP Litigation*  
Represented classes of consumers and third-party payors in a groundbreaking pharmaceutical fraud case in which the court approved a total of \$338 million in settlements
- > *Opioids Litigation*  
Representing the Orange County District Attorney's office in a case alleging five pharmaceutical companies orchestrated a false and misleading marketing scheme designed to reverse the popular and medical understanding of the serious risks of long-term opioid use for chronic, non-cancer pain

**PARTNER**

## Jennifer Fountain Connolly

› *Fannie Mae/Freddie Mac Takings Litigation*

Representing shareholders in the Court of Federal Claims alleging that, in imposing the conservatorships over Fannie Mae and Freddie Mac in September 2008, the Government took private property without just compensation

› *ATM Antitrust Litigation*

Representing consumers challenging illegal agreements among Visa, MasterCard and member banks to charge inflated ATM access fees, in violation of the federal antitrust laws

› *Qui Tam matters*

Currently working on numerous qui tam matters that are under seal in multiple jurisdictions

**PARTNER**

## Elizabeth A. Fegan

*"I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do..." – Hon. Wayne Andersen (Ret.) at final approval of a nationwide sexual harassment settlement on behalf of 16,000 women.*

**CONTACT**

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beth@hbsslaw.com

**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

- > Antitrust
- > Insurance Fraud
- > Consumer Rights
- > Employment Discrimination
- > Products Liability

**BAR ADMISSIONS**

- > Second, Third, Seventh, Eighth and Ninth Circuit Courts of Appeals
- > U.S. District Court, Northern, Central and Southern Districts of Illinois
- > District of Colorado

**EDUCATION**

- > Loyola University Chicago School of Law, J.D., Editor of Loyola Law Journal

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Chicago office
- > Practice focuses on complex commercial class-action cases in the areas of antitrust, consumer protection and product liability

**RECENT SUCCESS**

- > *American Equity Senior Annuities Fraud* (\$129 million settlement)
- > *Midland Senior Annuities Fraud* (\$79.5 million settlement)
- > *Baby Products Antitrust Settlement* (\$35 million settlement)
- > *Pre-Filled Propane Tank Marketing And Sales Practices* (\$35 million settlement);
- > *Bayer Combination Aspirin Consumer Fraud* (\$15 million settlement);
- > *Aurora Dairy Organic Milk Consumer Fraud* (\$7.5 million settlement);
- > *"Thomas the Tank Engine" Toys Lead Paint Products Liability* (\$30 million settlement of federal and state cases)

**RECOGNITION**

- > Illinois Super Lawyer, Super Lawyers Magazine, 2016
- > The National Trial Lawyers: Top 100 (2014-15)
- > Time, Treasure & Talent Award, St. Giles CCW (2014)
- > AAJ, Civil Rights Section, Outstanding Section Newsletter of the Year (2006)

**EXPERIENCE**

- > Partner, The Wexler Firm
- > Associate, Shesky & Froelich Ltd.
  - Appointed Special Assistant Corporation Counsel on behalf of the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago
  - Appointed to the Special Master teams in *In re Waste Mgmt. Sec. Litig. (N.D. Ill.)* and *Wolens et al. v. American Airlines (Cir. Ct. Cook County, Ill.)*
- > Legal Writing Instructor, Loyola University Chicago School of Law

**PARTNER**

Elizabeth A. Fegan

**PUBLICATIONS**

- › Contributing Editor, 2013 Annual Review of Antitrust Law Developments (ABA 2014) and 2007 Annual Review of Antitrust Law Developments (ABA 2008)
- › Newsletter Editor, Civil Rights Section of the American Trial Lawyers Association (n/k/a American Association for Justice) (2005-06) and received an award for Outstanding Section Newsletter of the Year
- › "Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights," 25 Loy. U. Chi. L.J. 577 (1994)
- › Editor, Loyola University Chicago Law Journal (1994-95)

**NOTABLE CASES**

- › *NCAA Student-Athlete Concussion Litigation*
- › *NCAA Student-Athlete Scholarship Cap Antitrust Litigation*
- › Nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm. The settlement required changes to human resource policies and a streamlined claims process that provided the potential for individual awards up to \$150,000 per class member.
- › Multiple cases against annuities insurers for targeting seniors with deferred annuities that lock seniors'

**PARTNER****Jeff D. Friedman**

*Mr. Friedman is extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars.*

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**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

- > Consumer Rights
- > Antitrust Litigation
- > Privacy Rights
- > Securities Litigation

**BAR ADMISSIONS**

- > California
- > Central District of California
- > Northern District of California
- > U.S. Court of Appeals for the Ninth Circuit

**EDUCATION**

- > Santa Clara University School of Law, J.D., magna cum laude, 1994
- > University of Washington, B.A., Political Science, 1991

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Specializing in class actions against some of the largest companies in the United States, Mr. Friedman litigates cases involving securities fraud, consumer protection and antitrust violations including litigation against technology companies and cutting-edge competition policy issues
- > Extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars
- > Licensed to practice law in California and admitted in the Central and Northern Districts of Federal court and the U.S. Court of Appeals for the Ninth Circuit
- > Involved in firm's position as lead counsel on behalf of purchasers of millions of electronics products, including laptop computers and cell phones, against several multinational corporations alleged to have fixed the prices of lithium ion battery cells for more than a decade

**RECOGNITION**

- > Northern District of California Super Lawyer, 2013, 2014

**EXPERIENCE**

- > General Counsel, public fiber-optic component company in Silicon Valley
- > Assistant U.S. Attorney, Criminal Division, Central District of California (Los Angeles)
- > Clerk for the Honorable Manuel L. Real, U.S. District Court Judge, Central District of California

**NOTABLE CASES**

- > *In re Electronic Books Antitrust Litig., No. 11-md-02293 (DLC) (S.D.N.Y.)*  
A nationwide class of e-book consumers allege five of the largest book publishers in the United States and Apple conspired to raise the prices of e-books and restrain competition.
- > *In re Optical Disk Drive Prods. Antitrust Litig., No. 3:10-md-2143 RS (N.D. Cal.)*  
An action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.
- > *Pecover et al. v. Electronic Arts Inc., No. 3:08-cv-02820-CW (N.D. Cal.)*  
A nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners,

**PARTNER****Jeff D. Friedman**

such as the NFL, in order to lock-up the market. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.

- › *San Francisco Health Plan v. McKesson Corp.*, No. 1:08-CV-10843-PBS (D. Mass.); *State of Utah v. McKesson Corp.*, No. CV 10-04743 SI (N.D. Cal.); *The Commonwealth of Virginia v. McKesson Corp. et al.*, No. CV-11-02782 SI (N.D. Cal.); *State of Oregon v. McKesson Corp.*, No. CV-11-5384-SI (N.D. Cal.)
- › *In re eBay Seller Antitrust Litigation*, action on behalf of millions of eBay sellers, claiming eBay monopolized the online auction market and attempted to monopolize the person-to-persons payment systems market (Paypal)
- › *Dell Inc. Bait-And-Switch Sales Litigation*, negotiated multimillion dollar settlement on behalf of nearly one million consumers

**PARTNER****Lee Gordon**

*Mr. Gordon's casework reflects his broad experience in diverse practice areas and his effectiveness playing a lead role in class-action litigation.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

- > Employment Law
- > Securities Litigation
- > Antitrust Litigation
- > Investor Protection
- > Consumer Protection

**BAR ADMISSIONS**

- > California

**EDUCATION**

- > Anderson Graduate School of Management at UCLA, M.B.A., with Honors, 2002
- > Harvard Law School, J.D., with honors, 1994
- > University of California at Los Angeles, B.A., Philosophy, summa cum laude, 1990

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on on complex class actions including securities litigation, unfair competition and deceptive business practice cases against investment companies, antitrust litigation, consumer class actions against product manufacturers and retailers, and employee protection class actions
- > Experience includes litigation in a number of cases on behalf of employees and consumers resulting in multimillion-dollar settlements, including cases against Costco Wholesale Corporation, Solvay Pharmaceuticals, Inc., Apple, Inc. and Citibank, N.A.
- > Represents class members who invested in funds managed by Tremont Group Holdings, Inc., funds that were allegedly decimated as a result of the now-infamous Madoff Ponzi scheme. Mr. Gordon also represents investors against TD Ameritrade and The Reserve for various securities violations and breaches of fiduciary duty.

**EXPERIENCE**

- > Prior to joining Hagens Berman in 2005, Mr. Gordon's practice covered a broad spectrum of complex litigation matters. He represented and advised clients in antitrust litigation, employment litigation, class actions, breach of contract and breach of warranty litigation, intellectual property cases, real estate and land use disputes, and matters involving challenges to government regulations.
- > Early work included race discrimination, wrongful termination, disability discrimination and compensation disputes. His class action work included complex securities and unfair business practices litigation involving multimillion-dollar claims against major public financial institutions.
- > Associate, Howard Rice Nemerovski Canady Falk & Rabkin
- > Associate, Gibson, Dunn & Crutcher

**NOTABLE CASES**

- > *Tremont Group Holdings, Inc. Litigation*  
Representing investors whose funds were allegedly decimated in the Madoff Ponzi scheme
- > *Solvay Pharmaceuticals, Inc., Litigation*  
Represented consumers against a drug company that allegedly wrongly marketed a hormone drug as "FDA-approved"
- > *Costco Wholesale Corporation Litigation*  
Represented a certified class of California employees who claim they were wrongly denied overtime compensation, breaks and other benefits
- > *Schneider National Carriers, Inc., Litigation*  
Representing two certified classes of California employees (truck drivers and mechanics) in separate cases seeking to address alleged unfair pay schemes

**PARTNER****Kristen A. Johnson**

*Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.*

**CONTACT**

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kristenjp@hbsslaw.com

**YEARS OF EXPERIENCE**

> 8

**PRACTICE AREAS**

- > Consumer Rights
- > RICO
- > Antitrust

**BAR ADMISSIONS**

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

**EDUCATION**

- > Boston College Law School, J.D.
- > Dartmouth College, cum laude, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses combating waste, fraud and abuse in the healthcare industry
- > Personally appointed alternate lead counsel in the *In re New England Compounding Pharmacy Litigation Multidistrict Litigation (MDL 2419)*. During the nascent stages of the MDL, Ms. Johnson was appointed liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products produced by NECC.
- > Actively involved in *In re Nexium Antitrust Litigation* (D. Mass., MDL No. 2409); *In re Loestrin Antitrust Litigation* (D.R.I., MDL No. 2472); and *In re Celebrex Antitrust Litigation*, (E.D. Va. 14-cv-00361).

**RECENT SUCCESS**

- > Lead counsel for plaintiffs who contracted fungal infections from contaminated steroids compounded by New England Compounding Center (\$200+ million settlement)
- > One of four attorneys who presented and cross examined witnesses for the plaintiffs during the 2014 Nexium Antitrust trial
- > \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies
- > Instrumental in the recent *Neurontin* marketing (\$350 million), *Prograf* antitrust (\$98 million), *Flonase* antitrust (\$150 million) and *Wellbutrin XL* antitrust (\$37.5 million, partial) settlements

**RECOGNITION**

- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one of 40 outstanding lawyers under 40.
- > In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

**LEGAL ACTIVITIES**

- > Public Justice, Class Action Preservation Committee
- > American Association for Justice



**PARTNER**

Kristen A. Johnson

**NOTABLE CASES**

- › *Neurontin class action marketing settlement* (\$325 million)
- › *In re Prograf Antitrust Litigation* (\$98 million)
- › *Pfizer Neurontin RICO Litigation* (\$142 million jury verdict)
- › *In re Flonase Antitrust Litigation* (\$150 million settlement)
- › *In re Nexium Antitrust Litigation* (trial October 2014)
- › *In re Prograf Antitrust Litigation* (trial fall 2014)

**PARTNER**

## Reed R. Kathrein

*Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 38

**PRACTICE AREAS**

> Securities Litigation

**BAR ADMISSIONS**

> California  
> Illinois  
> Florida  
> Northern District of California  
> Eastern District of California  
> Southern District of California  
> Northern District of Illinois  
> Southern District of Florida  
> Western District of Michigan  
> District of Minnesota  
> District of Colorado  
> Sixth Circuit Court of Appeals  
> Seventh Circuit Court of Appeals  
> Eighth Circuit Court of Appeals  
> Ninth Circuit Court of Appeals

**EDUCATION**

> University of Miami, J.D., 1977  
> University of Miami, B.A., 1974

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Regular public speaker on securities, class action and consumer law issues

**EXPERIENCE**

> Litigated over 100 securities fraud class actions  
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act  
> Lawyer Representative, Ninth Circuit Court of Appeals  
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011  
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008  
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

**LEGAL ACTIVITIES**

> Member, National Association of Public Pension Attorneys (NAPPA)  
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)  
> Member, Council of Institutional Investors (CII)  
> Member, International Foundation of Employee Benefit Plans (IFEBC)  
> Member, State Association of County Retirement Systems (SACRS)  
> Member, National Council on Teacher Retirement (NCTR)  
> Member, California Association of Public Retirement Systems (CALAPRS)  
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)  
> Member, Illinois Public Pension Fund (IPPPA)  
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)  
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012  
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011  
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

**PARTNER**

## Reed R. Kathrein

**PUBLICATIONS**

- > "Interview with Bernie Madoff," Hagens Berman, HBSS Securities News, Fall 2015
- > "Is Your Fund Prepared for Halliburton?," March 2014
- > "O Securities Fraud, Where Art Thou?, Enter Robocop," Hagens Berman, HBSS Securities News, November 2013
- > "Professor Coffee to SEC: Hire Plaintiffs Bar!," Hagens Berman, HBSS Securities News, May 2013
- > "Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud," Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- > "SEC Action Necessary, But Not Sufficient to Protect Investors," Hagens Berman, HBSS Securities News, November 2012
- > "Are You Watching Your Private Equity Valuations?" Hagens Berman, HBSS Securities News, May 2012
- > "What Do Trustees Need to Know When Investing In Foreign Equities?," Hagens Berman, HBSS Securities News, November 2011

**PRESENTATIONS**

- > "Occupy Wall Street through Reform of the Securities Law," NCPERS, Legislative Conference, February 2012
- > "Legal Issues Facing Public Pensions," Opal, Public Funds Summit, January 2012
- > "Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors," NCPERS, Annual Conference, May 2011
- > "The Immediate Need for Congress to Act on Investor Friendly Legislation," NCPERS, Annual Conference, May 2010
- > "Investor Friendly Legislation in Congress," NCPERS, Legislative Conference, February 2010

**NOTABLE CASES**

- > Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- > Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

**PERSONAL INSIGHT**

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Back then all rock bands wore costumes. Reed's mother handmade blue jean bell bottoms to go with their sailor shirts and hats. While not entirely claiming credit, the next year every music lover was wearing blue jean bell bottoms at Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by the drum tech for Led Zeppelin's John Bonham. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere over the Rainbow (banjo ukulele) in the High Sierra mountains.

**PARTNER**

Daniel J. Kurowski

*Recognized as a 2015 "Rising Star" in Illinois by Super Lawyers***CONTACT**

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**YEARS OF EXPERIENCE**

> 9

**PRACTICE AREAS**

- > Securities Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

**CLERKSHIPS**

- > Hon. Paul E. Plunkett,  
Northern District of Illinois
- > Hon. Maria Valdez, Northern  
District of Illinois

**BAR ADMISSIONS**

- > Illinois
- > U.S. Court of Appeals, Seventh  
Circuit
- > U.S. District Court, Northern  
District of Illinois
- > U.S. District Court, Central  
District of Illinois
- > U.S. District Court, Southern  
District of Illinois

**EDUCATION**

- > John Marshall Law School,  
J.D., cum laude, 2005
- > Loyola University Chicago,  
B.B.A., with Honors, 2002

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Mr. Kurowski has litigated many aspects of cases throughout the country, often in consolidated multi-district litigation proceedings. His current work with the firm includes a variety of complex cases including:
  - Contesting a prominent financial company's deferred annuity sales practices in RICO litigation, including practices negatively impacting senior citizens.
  - Representing student-athletes in both individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation (N.D. Ill.).
  - Representing student-athletes in antitrust litigation regarding the NCAA's Division I football scholarship policies.
  - Suing on behalf of a putative class of third-party payors of prescription cancer pain drugs allegedly marketed and sold for non-cancer/off-label uses.
  - Representing retail purchasers with consumer fraud claims against dietary supplement sellers and manufacturers.

**RECENT SUCCESS**

- > *In re Pre-Filled Propane Sales & Marketing Practices Litigation* (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > *In re Bayer Combination Aspirin Sales & Marketing Practices Litigation* (E.D.N.Y.) (\$15 million settlement)
- > *In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.) (\$7.5 million settlement)

**RECOGNITION**

- > Illinois Rising Star, Super Lawyers Magazine, 2015, 2016

**EXPERIENCE**

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

**LEGAL ACTIVITIES**

- > Seventh Circuit Electronic Discovery Pilot Program Committee
- > Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association

**PARTNER**

Daniel J. Kurowski

**NOTABLE CASES**

- › *Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.)
- › *Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation* (E.D.N.Y.)
- › *Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation* (W.D. Mo.)
- › *Pre-Filled Propane Tank Marketing & Sales Practices Litigation* (W.D. Mo.)
- › *RC2 Corp. Toy Lead Paint Products Liability Litigation* (N.D. Ill.)

**PERSONAL INSIGHT**

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two small children. Before called to practice law, Dan's work included delivering flowers, selling architecture river cruise tickets and retailing compact discs... back when people still bought CDs.

**PARTNER****Thomas E. Loeser**

*Mr. Loeser obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government.*

**CONTACT**

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toml@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Consumer Rights
- > False Claims Act/*Qui Tam*
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

**BAR ADMISSIONS**

- > Washington
- > California
- > District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Western District of Washington
- > Ninth Circuit Court of Appeals

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government

**RECOGNITION**

- > Martindale-Hubbell® AV Preeminent rating, 2015

**EXPERIENCE**

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

**NOTABLE CASES**

- > *Volkswagen Emissions Defect Litigation*
- > *Shea Homes Construction Defect Litigation*
- > *Meracord/Noteworld Debt Settlement Litigation*
- > *Defective RV Refrigerators Litigation*
- > *New Jersey Medicare Outlier Litigation*
- > *Center for Diagnostic Imaging Qui Tam Litigation*
- > *Countrywide FHA Fraud Qui Tam Litigation*

**PARTNER****Thomas E. Loeser****EDUCATION**

- › Duke University School of Law, J.D., magna cum Laude, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- › University of Washington, M.B.A., cum laude, Beta Gamma Sigma, 1994
- › Middlebury College, B.A., Physics with Minor in Italian, 1988

- › *Chicago Title Insurance Co. Litigation*
- › *KB Homes Captive Escrow Litigation*
- › *Aurora Loan Modification Litigation*
- › *Wells Fargo HAMP Modification Litigation*
- › *JPMorgan Chase Force-Placed Flood Insurance Litigation*
- › *Wells Fargo Force-Placed Insurance Litigation*
- › *Target Data Breach Litigation*
- › *Cornerstone Advisors Derivative Litigation*
- › *Honda Civic Hybrid Litigation*
- › *Hyundai MPG Litigation*

**LANGUAGES**

- › French
- › Italian

**PARTNER****Robert F. Lopez**

*Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.*

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**PRACTICE AREAS**

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › *Qui Tam* Litigation

**BAR ADMISSIONS**

- › Washington
- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

**EDUCATION**

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

**CURRENT ROLE**

- › Partner, Hagens Berman Sobol Shapiro
- › Offers a broad range of legal experience in the fields of:
  - Complex commercial litigation
  - Health care and pharmaceuticals litigation
  - Product defect litigation
  - False Claims Act litigation
  - Intellectual property litigation
  - Privacy litigation
  - Securities litigation
  - Antitrust litigation
  - Creditor-debtor litigation
- › Member of firm's *In re Carrier IQ, Inc. Consumer Privacy Litigation* team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on *qui tam* matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

**EXPERIENCE**

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted *In re Charles Schwab Corp. Securities Litigation*
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.



**PARTNER**

Robert F. Lopez

**NOTABLE CASES**

- › *In re Pharmaceutical Industry Average Wholesale Price Litigation*
- › *Amgen Inc. Qui Tam Litigation*
- › *In re Metropolitan Securities Litigation*
- › *In re Charles Schwab Corp. Securities Litigation*
- › *In re Carrier IQ, Inc. Consumer Privacy Litigation*

**PARTNER**

## Barbara Mahoney

*Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Civil RICO
- > Consumer Rights
- > State False Claims

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Washington
- > Ninth Circuit Court of Appeals

**EDUCATION**

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, magna cum laude, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Focused primarily on national class actions and pharmaceutical litigation
- > Extensively involved in several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs. That litigation has resulted in two separate national class-action settlements for \$350 million and \$82 million and several settlements by individual Medicaid agencies. Ms. Mahoney is currently involved in related litigation on behalf of the commonwealth of Virginia and the state of Arizona.

**RECOGNITION**

- > Rising Star, Washington Law & Politics, 2005

**EXPERIENCE**

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

**LEGAL ACTIVITIES**

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

**NOTABLE CASES**

- > *New England Carpenters v. First DataBank* (\$350 million class-action settlement)
- > *Douglas County v. McKesson* (\$82 million class-action settlement)

**LANGUAGES**

- > Fluent in German
- > Reads Swedish and French

**PERSONAL INSIGHT**

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer, and studying foreign languages. Ms. Mahoney is fluent in German and reads Swedish and French.

**PARTNER****Sean R. Matt**

*Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

- > Securities Litigation
- > Consumer Rights
- > Antitrust Litigation
- > Insurance
- > Products

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

**EDUCATION**

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the *In re Charles Schwab Securities Litigation*, the *In re Oppenheimer Champion Income Fund Securities Class Actions* and the *Oppenheimer Core Bond Fund Class Action Litigation*
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including Average Wholesale Price Litigation, the *First Databank/McKesson Pricing Fraud Litigation* and the *Enzyte Litigation*
- > Key member of the firm's automobile defect litigation team

**RECOGNITION**

- > In 2014, Public Justice nominated Mr. Matt and the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for their work in securing a \$1.6 billion settlement of car owners.

**PUBLICATIONS**

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

**NOTABLE CASES**

- > *In re Charles Schwab Securities Litigation* (\$235 million settlement)
- > *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions* (\$52.5 million proposed settlement)
- > *Oppenheimer Core Bond Fund Class Action Litigation* (\$47.5 million settlement)
- > *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*
- > *In re Pharmaceutical Industry Average Wholesale Price Litigation* (\$338 million settlement)
- > *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > *In re Checking Account Overdraft* cases pending against many of the country's largest banks
- > *Washington State Ferry Litigation*, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington

**PARTNER**

Sean R. Matt

- *Microsoft Consumer Antitrust* cases
- State Attorneys General *Tobacco Litigation*, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

**PARTNER****Martin D. McLean**

*Mr. McLean is a true trial attorney having tried more than 20 cases to verdict in various state and federal courts.*

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**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

**BAR ADMISSIONS**

- > U.S. District Court for the Western District of Washington
- > U.S. District Court for the Eastern District of Washington
- > Ninth Circuit Court of Appeals
- > Supreme Court of Washington

**EDUCATION**

- > Seattle University School of Law, J.D., cum laude, 2002

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

**RECENT SUCCESS**

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.

**EXPERIENCE**

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

**NOTABLE CASES**

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

**PERSONAL INSIGHT**

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son with his wife.

**PARTNER****David P. Moody**

*Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.*

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**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

> Personal Injury Litigation  
> Civil Rights

**BAR ADMISSIONS**

> Washington  
> U.S. Supreme Court  
> U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

> George Washington University  
School of Law, J.D., 1993  
> University of Washington, B.A.,  
1990

**CURRENT ROLE**

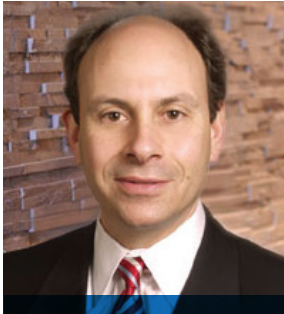
> Partner, Hagens Berman Sobol Shapiro  
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

**NOTABLE CASES**

- > Mr. Moody has secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
  - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
  - Largest recovery on behalf of three foster children (\$7.3 million)
  - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
  - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
  - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
  - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
  - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
  - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
  - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
  - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
  - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
  - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
  - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
  - Several additional settlements in excess of \$1 million

**PERSONAL INSIGHT**

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

**PARTNER****David S. Nalven**

*Extensive experience in prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers and consumers in these matters*

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**YEARS OF EXPERIENCE**

> 30

**PRACTICE AREAS**

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Consumer Rights
- > Securities Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > New York

**EDUCATION**

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, magna cum laude, 1980

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the state of Connecticut in multiple prescription drug pricing matters

**EXPERIENCE**

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

**NOTABLE CASES**

- > *Average Wholesale Price Litigation*
- > *Tricor Antitrust Litigation*
- > *Wellbutrin XL Antitrust Litigation*
- > *DePuy Spine Artificial Disc Litigation*

**PARTNER****Christopher A. O'Hara**

*Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs*

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**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

**BAR ADMISSIONS**

- > Washington
- > Arizona
- > U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., cum laude, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

**RECENT SUCCESS**

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of *In re Charles Schwab Securities Litigation* and the \$1.6 billion settlement of *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

**RECOGNITION**

- > Rising Star, Washington Law and Politics, 2003

**EXPERIENCE**

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

**NOTABLE CASES**

- > *Tobacco Litigation* (\$206 billion multi-state settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Charles Schwab Yieldplus Funds Litigation* (\$235 million settlement)
- > *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- > *Microsoft Antitrust Litigation*

**LANGUAGES**

- > French



**PARTNER**

Shana E. Scarlett

*Northern California Super Lawyer, 2013 & 2014***CONTACT**

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Protection
- > Securities Litigation

**BAR ADMISSIONS**

- > California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals, Second Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Federal Circuit

**EDUCATION**

- > Stanford Law School, J.D.
- > University of British Columbia, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the *In re Optical Disk Drive Antitrust Litigation*, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the *In re Lithium Ion Batteries Antitrust Litigation*
- > Represents a class of consumers in the *In re Electronic Books Antitrust Litigation*, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

**RECOGNITION**

- > Northern District of California Super Lawyer, 2013, 2014
- > Rising Star Award for Northern California, Super Lawyers, 2009, 2010, 2011

**EXPERIENCE**

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (*In re Impax Sec. Litig.*, *In re CV Therapeutics, Inc. Sec. Litig.*, *In re Alkermes Sec. Litig.*), Internet companies (including *In re Verisign, Inc.* and *In re Northpoint Communications Group, Inc. Sec. Litig.*) and other manufactured products (*Ryan v. Flowserve Corp.*)

**LEGAL ACTIVITIES**

- > Serves on executive committee of the Antitrust Section of the Bar Association of San Francisco

**NOTABLE CASES**

- > *In re Optical Disk Drive Antitrust Litigation*, MDL No. 2143
- > *In re Electronic Books Antitrust Litigation*, MDL No. 2293
- > *Pecover v. Electronic Arts, Inc.*, MDL No. 2420

**PARTNER**

## Craig R. Spiegel

*After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's attempt to obtain justice for thalidomide victims.*

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**YEARS OF EXPERIENCE**

> 36

**PRACTICE AREAS**

> Consumer Rights

**BAR ADMISSIONS**

> California State Bar Association  
> Illinois State Bar Association  
> Washington State Bar Association

**EDUCATION**

> Harvard Law School, J.D., cum laude, 1979  
> St. Olaf College, B.A., summa cum laude, 1975

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck

**NOTABLE CASES**

> Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx  
> Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec  
> Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

**PARTNER**

## Ronnie Seidel Spiegel

*Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.*

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

> Antitrust Litigation

**BAR ADMISSIONS**

> Washington  
> Pennsylvania  
> U.S. District Court, Eastern District of Pennsylvania  
> U.S. District Court, Western District of Washington

**EDUCATION**

> Temple University Beasley School of Law, J.D., Temple Law Review (Research Editor), 1994  
> Boston University, B.A., International Relations, 1990

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Extensive complex litigation experience with a particular focus on antitrust price-fixing cases  
> Specializes in managing large-scale and foreign discovery  
> Member of the American Bar Association's Antitrust Section

**EXPERIENCE**

> Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000  
> Central Piedmont Community College, Charlotte, NC, Business Law Instructor, 2000-2001

**NOTABLE CASES**

> *In re DRAM Antitrust Litigation*  
> *In re SRAM Antitrust Litigation*  
> *In re Cathode Ray Tube (CRT) Antitrust Litigation*  
> *In re TFT-LCD (Flat Panel) Antitrust Litigation*  
> *In re Lithium Ion Batteries Antitrust Litigation*  
> *In re Brand Name Prescription Drugs Antitrust Litigation*  
> *In re NASDAQ Market-Makers Antitrust Litigation*  
> *In re Vitamins Antitrust Litigation*  
> *In re High Fructose Corn Syrup Antitrust Litigation*  
> *In re Commercial Tissue Paper Antitrust Litigation*  
> *In re Flat Glass Antitrust Litigation*  
> *In re Linerboard Antitrust Litigation*  
> *In re Automotive Parts Antitrust Litigation*  
> *In re Air Cargo Antitrust Litigation*  
> *In re Fasteners Antitrust Litigation*  
> *In re Korean Air Antitrust Litigation*  
> *In re Polyether Polyols Antitrust Litigation*  
> *In re OSB Antitrust Litigation*

**PERSONAL INSIGHT**

Ronnie was a competitive figure skater and skating instructor. Now, she proudly enjoys playing the role of soccer mom to her three girls. On evenings and weekends, you can find her cheering at the field.

**PARTNER**

## Shayne C. Stevenson

*Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.*

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**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Human Rights/Public Interest Law

**BAR ADMISSIONS**

- > Washington

**CLERKSHIPS:**

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

**EDUCATION**

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, summa cum laude (first-in-class), 1996

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice
- > Litigated and argued cases in federal district courts and at the courts of appeal across the country and is handling whistleblower and other matters in several jurisdictions
- > His whistleblower practice includes, among other areas of focus, off-label promotion of drugs and medical devices, illegal kickbacks, Medicare and Medicaid reimbursement and coding abuse, home health care and hospice fraud, financial fraud, various forms of market manipulation, securities and bond market fraud, mortgage fraud, tax fraud, education fraud, defense industry and other government contractor fraud.
- > Experienced in handling False Claims Act and other whistleblower cases against some of America's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Currently handling *qui tam* litigation under the False Claims Act in several federal and state courts, while also handling whistleblower actions under the SEC, CFTC and IRS whistleblower programs
- > Litigates select human rights and other public interest matters, including litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 in a suit under the Alien Tort Statute for war crimes and genocide on the island of Bougainville, in Papua New Guinea
- > Litigated and settled class-action cases on behalf of consumers and workers, and was previously a prosecutor who successfully tried several felony cases to juries and argued several cases in trial and appellate courts

**RECENT SUCCESS**

- > Mr. Stevenson handled the settlement of both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud. First, whistleblower client Mr. Kyle Lagow (in *U.S. ex rel. Lagow v. Countrywide Financial Corp.*) received \$14,625,000 million for his help in sparking a Department of Justice investigation of Countrywide and Bank of America's fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in *U.S. ex rel. Mackler v. Bank of America*) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

**PARTNER****Shayne C. Stevenson****EXPERIENCE**

- › King County Prosecuting Attorney's Office, Felony Prosecutor
- › U.S. Attorney's Office, District of Connecticut, Intern

**PUBLICATIONS**

- › Author, "The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer," Federal Bar Association, November 2012

**PRESENTATIONS**

- › Speaker: "Secrets from the Plaintiff's Bar," Hospital and Health Care Law Conference. Seattle, WA. April 24, 2015.
- › Speaker: "False Claims in the Financial Sector," False Claims and Qui Tam Enforcement Conference. New York, New York. January 21-22, 2015.
- › Lecture: "Access to Civil Remedy," Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. November 4, 2014.
- › Speaker: "Enforcement of Financial Fraud," False Claims Act: National Qui Tam Conference. San Francisco, California. October 27-28, 2014.
- › Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. November 12, 2013.
- › Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. April 18-19, 2013.
- › Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. April 17, 2013.
- › Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. November 13, 2012.
- › Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. March 23, 2012.

**MEDIA INTERVIEWS**

- › "SeaWorld Urges Judge to Toss Whale Abuse Class Action," Law360, Oct. 6, 2015 [view »](#)
- › "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015 [view »](#)
- › "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015. [view »](#)
- › "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015. [view »](#)
- › "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015. [view »](#)
- › "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015. [view »](#)
- › "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015. [view »](#)
- › "UK Speed Trader Arrested," Reuters, Apr. 21, 2015. [view »](#)
- › "How a Mystery Trader May Have Caused the Flash Crash," Bloomberg, Apr. 21, 2015. [view »](#)

## PARTNER

# Shayne C. Stevenson

- > "CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash," Law360, Apr. 21, 2015. [view »](#)
- > "BATS to Pay \$14 Million to Settle Direct Edge Order-Type Case: A Record Amount," The Wall Street Journal, Jan. 12, 2015. [view »](#)
- > "BATS Exchange to Pay Record \$14 Million SEC Fine," Reuters, Jan. 12, 2015. [view »](#)
- > "SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions," Value Walk, Jan. 12, 2015. [view »](#)
- > "IRS Releases Comprehensive Whistleblower Final Regs.," Standard Fed. Tax Reports, Aug. 14, 2014. [view »](#)
- > "Bank of America Whistleblower's Payday Lead to Calls for Reform," Law360, Aug. 6, 2014. [view »](#)
- > "UBS Whistleblower Ruling Reignites Arbitration Debate," Law360, Jan. 30, 2014. [view »](#)
- > "With \$2B J&J Deal, FCA Proves It's Still The Anti-Fraud King," Law360, Nov. 4, 2013. [view »](#)
- > "Bank of America Fraud Trial Spotlights Whistleblower Awards," Reuters, Sept. 27, 2013. [view »](#)
- > "FCPA Whistleblower Bounty May Turn Tide For SEC Program," Law360, Aug. 20, 2013. [view »](#)
- > "Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties," Law360, Aug. 7, 2013. [view »](#)
- > "SEC's Second Whistleblower Award is Tip of the Iceberg," Law360, June 14, 2013. [view »](#)
- > "UBS Ruling Allays Fear Factor for SEC Whistleblowers," Law360, May 22, 2013. [view »](#)
- > "Five Tips for Building Bridges with Whistleblowers," Law360, Mar. 20, 2013. [view »](#)
- > "For Superfast Stock Traders, a Way to Jump Ahead in Line," Wall St. Journal (front-page) Sept. 19, 2012. [view »](#)
- > "UBS Whistleblower Nets \$104 Million Award," CNN Money, Sept. 12, 2012. [view »](#)
- > "Whistleblower Takes Home \$14.5M in BoA Mortgage Deal," Law360, May 29, 2012. [view »](#)
- > "BoA Denied Homeowners Access to HAMP: Whistleblower," Law360, Mar. 7, 2012. [view »](#)
- > "Countrywide Inflated Home Values: Whistleblower Suit," Law360, Feb. 24, 2012. [view »](#)
- > "Killers of Somali Cabbie Get Longest Sentences Allowed," Seattle P-I, Mar. 24, 2006. [view »](#)

## NOTABLE CASES

- > *U.S. ex rel. Lagow v. Bank of America, Eastern District of New York* (False Claims Act – FHA fraud)
- > *U.S. ex rel. Mackler v. Bank of America, Eastern District of New York* (False Claims Act – HAMP fraud)
- > *U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts* (False Claims Act – off-label marketing)
- > *U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey* (False Claims Act – Medicare "outlier" fraud)
- > *U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York* (False Claims Act – off-label marketing)
- > *Sarei v. Rio Tinto, Central District of California* (Alien Tort Statute – international human rights litigation)
- > *Tittle v. United States Postal Service, Western District of Washington* (Privacy Act – employee class action)
- > *Hutchinson v. British Airways Plc, Eastern District of New York* (Montreal Convention – consumer class action)

**PARTNER**

## Ivy Arai Tabbara

*Ms. Tabbara worked on a multimillion dollar settlement for uninsured individuals against Tenet Healthcare.*

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

> Antitrust  
> Consumer Rights  
> Environmental Law  
> Employment Law  
> Intellectual Property

**BAR ADMISSIONS**

> Washington

**EDUCATION**

> Georgetown University Law Center, J.D., Georgetown International Environment Law Review, 2000  
> Princeton University, B.A., History, Certificate African-American Studies, cum laude, 1997

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Practice focuses on complex class-action lawsuits in the areas of antitrust, consumer protection, employment, environmental and product liability  
> Also specializes in patent litigation

**RECENT SUCCESS**

> Baby Products Antitrust (\$35 million settlement)  
> Bayer Combination Aspirin Consumer Fraud (\$15 million settlement)  
> "Thomas the Tank Engine" Toys Lead Paint Products Liability (\$30 million settlement of federal and state cases)  
> Tenet Healthcare Cases II for uninsured patients nationwide (multimillion-dollar recovery, including significant non-monetary relief such as discounted rates, financial counseling, reasonable payment schedules and uniform collection policies)

**LEGAL ACTIVITIES**

> Member, Federal Bar Association of the Western District of Washington; Trustee, 2009-2010

**NOTABLE CASES**

> *Domestic Drywall Antitrust Litigation* representing indirect and direct purchasers of wallboard in the United States  
> *Checking Account Overdraft Litigation* representing banking customers whose accounts were allegedly charged repeated overdraft fees  
> Patent litigation representing inventors in *Shinsedai v. Nintendo* (patent involving sports-themed motion control games in several Nintendo Wii games) and *Flatworld v. Apple* (patent involving the swipe function of all Apple products)  
> *Optical Disk Drive Antitrust Litigation*  
> *DRAM Antitrust Litigation*

**PUBLICATIONS**

> "The Silent Significant Minority: Japanese-American Women, Evacuation, and Internment During World War II," in *Women and War in the Twentieth Century: Enlisted with or Without Consent*, 1999



**PARTNER****Andrew M. Volk**

*Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history*

**CONTACT**

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(206) 623-0594 fax  
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**YEARS OF EXPERIENCE**

> 24

**PRACTICE AREAS**

- > Patent Litigation
- > ERISA Litigation
- > Hotel Tax Litigation

**BAR ADMISSIONS**

- > New York
- > Oregon
- > Washington

**EDUCATION**

- > Cornell Law School, J.D., cum laude, Articles Editor for Cornell International Law Review, 1991
- > Columbia University, B.A., English, 1986

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on consumer litigation, including automobile defect litigation against General Motors and Kia
- > Works on hotel tax collection cases against the major online travel companies (OTC). To date, the firm has achieved settlements on behalf of Brevard County, Florida and the village of Rosemont, Illinois, and a finding against the OTCs in administrative proceedings on behalf of the city of Denver, Colorado. that is currently on appeal
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

**RECENT SUCCESS**

- > Worked on litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million.

**EXPERIENCE**

- > Mr. Volk was extensively involved in the tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

**NOTABLE CASES**

- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$206 billion settlement)
- > *Enron ERISA Litigation* (\$265 million settlement)
- > *Washington Mutual Bank ERISA Litigation* (\$49 million settlement)
- > *General Motors ERISA Litigation* (\$37.5 million settlement)



**PARTNER**

## Tyler S. Weaver

*Tyler has successfully represented clients and classes as far-ranging as securities investors, homeowners, patent holders, business owners and protestors.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Consumer Rights
- > Patent Litigation
- > Antitrust Litigation
- > Securities / Investor Fraud

**BAR ADMISSIONS**

- > Washington
- > Oregon

**EDUCATION**

- > University of California – Berkeley, Boalt Hall School of Law, J.D., 1996
- > University of Oregon, B.A., English, cum laude, 1992

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Litigates in a wide variety of practice areas; his cases have varied from litigation over the civil rights of protestors to securities fraud cases on behalf of investors to consumer protection litigation to patent litigation
- > Admitted to practice in Washington and Oregon, and has made numerous appearances in United States district courts and appellate courts, as well as the trial and appellate courts of the state of Washington

**EXPERIENCE**

- > Clerk, Honorable Justin L. Quackenbush in the U.S. District Court for the Eastern District of Washington, 1999-2001

**NOTABLE CASES**

- > *Bank of America Mortgage Modification Litigation* (ongoing litigation)
- > *Metropolitan Securities Litigation* (recovered \$38 million)
- > *Raytheon Securities Litigation* (recovered \$39 million)
- > *Diamond Parking Litigation* (recovered \$2.2 million)
- > *WTO Wrongful Arrest Litigation* (recovered \$1 million and non-monetary relief)

**PARTNER**

## Jason A. Zweig

*Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

- > Complex Litigation
- > Securities Litigation
- > Antitrust Litigation
- > Consumer Protection

**BAR ADMISSIONS**

- > New York
- > U.S. District Court
  - Southern District of New York
  - Eastern District of New York
  - Eastern District of Michigan
  - Eastern District of Wisconsin
- > U.S. Court of Appeals
  - Second Circuit
  - Third Circuit

**EDUCATION**

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's New York office
- > Extensively experienced in representing plaintiffs in antitrust, securities, consumer and other complex litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > Key member in some of the largest antitrust and securities class actions in history including the *High Fructose Corn Syrup Antitrust Litigation* which resulted in a \$531 million recovery
- > Leads the firm's representation of a number of airlines and other merchants who have opted out of the class in *In re Payment Card Interchange Fee and Merchant Discount Litigation*, MDL No. 1720 (E.D.N.Y.)
- > Leads the firm's efforts in the *New Jersey Tax Sales Certificates Antitrust Litigation*, an antitrust class action in which the firm has been appointed co-interim class counsel (more than \$8 million recovered)
- > Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier over unpaid dial-around compensation

**EXPERIENCE**

- > Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- > Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- > Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

**RECOGNITION**

- > Rising Star, New York Super Lawyers Magazine, 2011 & 2013

**PRESENTATIONS**

- > "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008
- > "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011

**PARTNER**

Jason A. Zweig

**LEGAL ACTIVITIES**

- › The Association of the Bar of the City of New York
- › The American Bar Association Sections of Litigation, Antitrust Law and International Law
- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › The New York State Bar Association
- › The Indiana University Student Foundation Board of Associates
- › The Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- › Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

**NOTABLE CASES**

- › *Hill v. J.P. Morgan - Madoff-related Litigation* (\$218 million recovered)
- › *High Fructose Corn Syrup Antitrust Litigation* (\$531 million recovered)
- › *In re Air Cargo Antitrust Litigation* (Over \$500 million recovered—case still pending)
- › *In re Polyether Polyols Antitrust Litigation* (Over \$150 million recovered—case still pending)
- › *Hydrogen Peroxide Antitrust Litigation* (\$97 million recovered)
- › *Plastics Additives Antitrust Litigation* (\$46 million recovered)
- › *NBR Antitrust Litigation* (\$34 million recovered)
- › *Linens Antitrust Litigation* (\$11 million recovered)
- › *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation* (\$475 million recovered)
- › *Merrill Lynch Research Reports Securities Litigation* (\$125 million recovered)
- › *Salomon Analyst Metromedia Litigation* (\$35 million recovered)

**SENIOR COUNSEL**

# Kevin K. Green

*Mr. Green is a career appellate lawyer. He has litigated class and other representative actions in the federal circuits, argued in ten states and six state supreme courts, and obtained multiple appellate reversals leading to significant settlements.*

**CONTACT**

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(619) 929-3337 fax  
kevink@hbsslaw.com

**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

- > Appellate
- > Consumer Rights
- > Securities
- > Employment Litigation

**BAR ADMISSIONS**

- > California
- > United States Supreme Court
- > United States Courts of Appeals for the Third, Seventh, Eighth, Ninth, Tenth and District of Columbia Circuits
- > United States District Courts for the Northern, Central, Eastern and Southern Districts of California

**EDUCATION**

- > Notre Dame Law School, J.D., 1995
- > University of California at Berkeley, B.A., 1989, with honors and distinction

**CLERKSHIPS**

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, now Chief Judge)

**CURRENT ROLE**

- > Senior Counsel, Hagens Berman Sobol Shapiro
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist (State Bar of California Board of Legal Specialization)

**NOTABLE DECISIONS**

- > *Wong v. Accretive Health, Inc.*, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- > *Harris v. Superior Court*, 207 Cal. App. 4th 1225 (2012) (liability and class certification resolved for employees seeking unpaid overtime)
- > *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011) (first Ninth Circuit reversal on presuit demand requirement in derivative case)
- > *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permissible in state court despite SLUSA)
- > *In re F5 Networks, Inc. Derivative Litig.*, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility, not universal demand)
- > *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for consumer class)
- > *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007) (en banc) (shareholders who intervene can seek corporate benefit fee award)
- > *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

**RECOGNITION**

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates, 2015
- > California Academy of Appellate Lawyers
- > Super Lawyer, 2008-2015
- > Legal Aid Society of San Diego, Outstanding Service Award, 2015
- > Consumer Attorneys of California, Presidential Award of Merit, 2013

**LEGAL ACTIVITIES**

- > Appellate Advisory Committee, Judicial Council of California (appointed by Chief Justice)
- > Magistrate Judge Merit Selection Panel, Southern District of California (appointed by Chief Judge)
- > Co-Chair, CAOC Amicus Curiae Committee
- > Co-Founder, Civil Appellate Self-Help Workshop (California Court of Appeal, San Diego)
- > Appellate Court Committee, San Diego County Bar Association (Chair, 2010)
- > California State Bar Committee on Appellate Courts (2006-09)

**SENIOR COUNSEL**

Kevin K. Green

**PUBLICATIONS**

- › Amicus Curiae Update, Forum (regular column for CAOC's periodical)
- › Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › Closing the Appellate Justice Gap, Los Angeles Daily Journal (Feb. 10, 2015)
- › Appellate Review in California Class Actions, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)
- › The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

**PRESENTATIONS**

- › University of San Diego School of Law (Legal Writing in Practice Seminar, Feb. 2015)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

**PERSONAL INSIGHT**

Concerned a legal career meant taking life too seriously, Kevin spent several years before law school blending work and travel. He toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He taught English in Switzerland and ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



## OF COUNSEL

# Gregory T. Arnold

*Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants.*

### CONTACT

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(617) 482-3003 fax  
grega@hbsslaw.com

### YEARS OF EXPERIENCE

> 19

### PRACTICE AREAS

- > Antitrust Litigation
- > Personal Injury Litigation

### BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > Court of Appeals, 2nd Circuit

### EDUCATION

- > Fairfield University, B.S., Marketing, 1991
- > Villanova University School of Law, J.D., 1996 (served on Law Review)

### CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Works on the Direct Purchaser Class Action cases in Lipitor and Effexor

### RECENT SUCCESS

- > Represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry
- > Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants
- > Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in a near 50% increase in the clients' recovery
- > Represented large groups of investors in litigation brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars
- > Represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission
- > Successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters

### EXPERIENCE

- > Income Partner, Litigation Department for a large Boston-based law firm

### NOTABLE CASES

- > **Bankruptcy-related litigation**
  - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases, to block a proposed plan of reorganization. During more than 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. Oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the Bankruptcy Court for the Southern District of New

**OF COUNSEL****Gregory Arnold**

York, after which the Court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.

- One of a team of lawyers representing the interests of The Ad Hoc Committee of Trade Creditors in the *In re* WorldCom matter, resulting in increasing our clients' recoveries by nearly 50%.

› *Mass Torts/Class Actions*

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting Court decision, was relied upon by Attorneys General throughout the country in their cases against the Tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead Brown Rudnick's efforts in pursuing a Successfully defended a class action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

› *Complex Financial Litigation*

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for over \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

› *General Commercial Litigation*

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multi-million dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third-party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multi-million dollar commercial contract concerning sale of radiology equipment, including prevailing on counter-claim seeking to impose multi-million dollar liability.

› *Patent Litigation*

- Represented national and international clients on a full range of patent litigation issues, including trials. Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

› *Labor and Employment Litigation*

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

**OF COUNSEL**

## Gregory Arnold

Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act ("STAA") following the termination of an employee/truck driver.

› *Other Litigation*

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.



**OF COUNSEL****Karl Barth**

*Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

> Securities Litigation  
> Investor Rights

**BAR ADMISSIONS**

> Washington

**EDUCATION**

> Georgetown University Law Center, J.D.  
> University of Virginia, B.S. Accounting, Certified Public Accountant

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

**EXPERIENCE**

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting

**OF COUNSEL**

# Nicholas S. Boebel

*Rising Star in Intellectual Property Litigation*  
—Minnesota Law and Politics, 2010-2013

**CONTACT**

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nickb@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

> Intellectual Property  
> Complex Litigation

**BAR ADMISSIONS**

> Supreme Court of Minnesota  
> District of Minnesota  
> Eastern District of Wisconsin  
> Federal Circuit Court of Appeals

**EDUCATION**

> University of Minnesota Law School, J.D., magna cum laude  
> Carlton College

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro  
> Practice focuses on intellectual property litigation involving patents, copyrights and trade secrets  
> Successfully represented individuals and businesses in complex IP claims against large corporations

**RECOGNITION**

> Rising Star in intellectual property litigation, Minnesota Law and Politics in 2010, 2011, 2012, & 2013

**EXPERIENCE**

> Founding Partner, Myers, Boebel & MacLeod LLP  
> Associate, Robins, Kaplan, Miller & Ciresi LLP

**NOTABLE CASES**

> *TV Interactive Data Corporation v. Microsoft Corp.*  
> *Telluride Asset Management LLC v. Eric Falkenstein*  
> *St. Clair Intellectual Property Consultants, Inc. v. Canon, Inc. et al.*  
> *St. Clair Intellectual Property Consultants, Inc. v. Sony Corp.*  
> *Eolas Technologies, Inc. and The Regents of the University of California v. Microsoft Corporation*

**OF COUNSEL****Mark S. Carlson**

*Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

**EDUCATION**

- > University of Puget Sound School of Law, J.D., cum laude, 1987
- > University of Washington, B.A., History, 1984

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

**RECENT CASES**

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

**EXPERIENCE**

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

**PUBLICATIONS/PRESENTATIONS**

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

**OF COUNSEL****Mark S. Carlson**

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

**LEGAL ACTIVITIES**

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

**NOTABLE CASES**

- › *Thought v. Oracle*
- › *FlatWorld v. Apple; v. Samsung; v. LG*
- › *University of Utah v. Max Planck Institute, et al.*
- › *Airbiquity v. AT&T, et al.*
- › *Timeline v. Microsoft; v. Oracle; v. Sagent*
- › *The Nautilus Group v. Icon Health and Fitness*

**OF COUNSEL****Philip J. Graves**

*Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.*

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**YEARS OF EXPERIENCE**

> 24

**PRACTICE AREAS**

> Intellectual Property

**BAR ADMISSIONS**

- > U.S. Supreme Court
- > Supreme Court of California
- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California

**EDUCATION**

- > Columbia University School of Law (J.D., 1990)  
Harlan Fiske Stone Scholar  
Writing and Research Editor,  
Columbia Business Law Review
- > University of Washington  
(B.A., cum laude, 1987)  
Phi Beta Kappa  
Robert A. Dahl Award

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

**EXPERIENCE**

- > Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

**LEGAL ACTIVITIES**

- > State Bar of California
- > Alaska Bar Association
- > Los Angeles Intellectual Property Law Association
  - 2015 Judges' Night, Chair
  - 2011 Spring Seminar, Chair
- > American Intellectual Property Law Association
- > Federal Circuit Bar Association

**AWARDS & RECOGNITION**

- > *40 Angelenos to Know in Intellectual Property Law*, Los Angeles Business Journal (2012)
- > Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2015)

**PUBLICATIONS**

- > *Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know*, Lead Author, New Matter (Fall 2014)
- > *Intellectual Property: It's Not Just for Specialists Anymore*, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
- > *Section 337: Whether to Respond or Default*, Lead Author, Intellectual Property Today (June 9, 2014)
- > *U.S. Patent Litigation under Section 337*, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing, China (May 6, 2014)

**OF COUNSEL****Philip Graves**

- › *Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung*, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › *Potential Ramifications of Already v. Nike*, Lead Author, Law360 (September 6, 2012)
- › *U.S. Patent Litigation Involving Pharmaceutical Patents*, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › *Developments in Trademark Law and the Internet: Domain Name Disputes, Banner Ads, Pop-Ups, and Related Issues*, Author, 2004 Intellectual Property Institute of the State Bar of California
- › *Damages in Copyright and Patent Infringement Actions*, Author, Intellectual Property Law Section of the Alaska Bar Association

**NOTABLE CASES**

- › *Stamps.com*, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › *Web.com Group*, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › *Fotona d.d.*, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › *Developer of motion capture technology*, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › *Designer and importer of consumer electronics products*, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › *Large publicly traded company*, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › *Technology development company*, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › *Cosmetics company*, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

**PERSONAL INSIGHT**

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.

**OF COUNSEL****Jon T. King**

*Mr. King has represented individual and corporate plaintiffs in numerous high-profile matters, including antitrust and right of publicity cases, class actions, and other complex litigation.*

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**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

> Antitrust

**BAR ADMISSIONS**

- > California
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Northern District of California

**EDUCATION**

- > University of California, Hastings College of the Law, J.D., 1999, cum laude
- > Santa Clara University, B.S., 1992

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Represented plaintiffs in dozens of direct and indirect purchaser antitrust class actions that have resulted in hundreds of millions of dollars in settlements

**EXPERIENCE**

- > Partner, Law Offices of Jon T. King, Walnut Creek, CA, 2012-2013
- > Partner, Hausfeld LLP, San Francisco, CA, 2008-2012
- > Associate, Cohen Milstein Hausfeld & Toll PLLC, San Francisco, CA, 2008
- > Associate, The Furth Firm LLP, San Francisco, CA, 2000-2008
- > Associate, Skadden, Arps, Slate, Meagher & Flom LLP, Los Angeles, CA, 1999-2000

**PRESENTATIONS**

- > Panelist, 2010, American Bar Association's National Convention, "From Music, Film and Art to Motorcycles and Other Sports: Hot Issues and Disputes in Entertainment, Art and Sports Licensing Deals"
- > Panelist, March 2011, Harvard Law School's Sports Law Symposium, regarding NCAA litigation
- > Panelist, 2010 and 2012, Santa Clara University's Sports Law Symposium, regarding NCAA litigation
- > Panelist, 2010, Florida Coastal University's Sports Law Panel, "Exploitation of the Student Athletes? Evaluating Bloom, Oliver, O'Bannon and Keller"

**NOTABLE CASES**

- > *In re* NCAA Student-Athlete Name & Likeness Licensing Litigation, where he served as one of the lead attorneys for the antitrust plaintiffs
- > Represented putative classes of current and former NCAA men's Division I basketball and football players who contend that the NCAA, Electronic Arts, and others unlawfully used the players' images and likenesses in television rebroadcasts and video games
- > Represented retired NFL players in a right of publicity class action against the NFL, captioned *Dryer v. NFL*, in which the plaintiffs contend that the NFL wrongfully used retired players' images in NFL Films productions
- > Represented the Golden Gate Bridge, Highway and Transportation District as one of the plaintiffs in *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.) (\$220 million in settlements)

**OF COUNSEL****Michella A. Kras**

*State Bar of Arizona President's Volunteer Service Award, 2010*

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**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

- > Commercial Litigation
- > Complex Civil Litigation

**BAR ADMISSIONS**

- > Arizona
- > U.S. District Court for the District of Arizona

**EDUCATION**

- > Arizona State University College of Law, J.D., magna cum laude, 2003
- > Arizona State University, B.A., 1997

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

**RECOGNITION**

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

**EXPERIENCE**

- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

**LEGAL ACTIVITIES**

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

**NOTABLE CASES**

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil



**OF COUNSEL****Ed Notargiacomo**

*Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical manufacturers in both the consumer protection and antitrust areas.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 26

**PRACTICE AREAS**

- > Consumer Protection
- > Complex Commercial
- > Antitrust Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > U.S. District Court, District of Massachusetts

**EDUCATION**

- > Boston University, J.D., with Honors, 1994, served on the Boston University Public Interest Law Review
- > Brown University, B.A., 1989

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on complex consumer, commercial and antitrust litigation

**RECENT SUCCESS**

- > *Relafen Antitrust Litigation* (\$85 million settlement)
- > *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- > *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- > *In re Vytarin/Zetia Marketing, Sales Practices, and Products Liability Litigation* (\$80 million settlement)
- > *In re Flonase Antitrust Litigation* (\$150 million settlement)
- > *In re Wellbutrin Antitrust Litigation* (\$21 million settlement)
- > *In re Skelaxin Antitrust Litigation* (settlement pending)

**EXPERIENCE**

- > Served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking-related illnesses
- > Helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry
- > Represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms that they negligently and illegally distributed in cities like Boston
- > Experience also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers and the firearms industry
- > Lieff, Cabraser, Heimann & Bernstein, LLP, Boston, MA  
Litigation of consumer class actions to redress major corporate misconduct. Co-lead effort on behalf of the City of Boston and the Boston Public Health Commission in suit against major firearms manufacturers in an effort to recover the cost of gun violence to the City of Boston and its citizens. Heavily involved in extended negotiations to settle municipal gun suits on behalf of the City of Boston. Engaged in the litigation of several suits against major pharmaceutical manufacturers for illegal activities that artificially inflate the price of prescription drugs paid by consumers.
- > Law Offices of Edward Notargiacomo, Boston, MA  
Primary focus in civil litigation, including construction and contract claims, employment disputes as well as some personal injury. Represented clients in commercial and residential real estate conveyancing as well as advised clients on land use and zoning issues. Experience with mediation, arbitration and

**OF COUNSEL****Ed Notargiacomo**

negotiation and settlement of a wide range of disputes. Drafted and negotiated contracts, commercial leases and settlement agreements. Provided aggressive representation to clients in construction and contract disputes, copyright actions, zoning and land use matters, and commercial and residential lease disputes.

- › Brown, Rudnick, Freed & Gesmer, P.C., Boston, MA  
Experience in real estate conveyancing and finance, including representation of international investment funds seeking to acquire investment grade commercial property in the United States. Provided legal representation in a wide range of practice areas including real estate development and complex real estate finance, zoning regulations, and commercial lease negotiation. Two years concentrating in commercial litigation, representing a wide range of business clients in state and federal courts.

**PUBLICATIONS**

- › Boston University Public Interest Law Review, 1994

**NOTABLE CASES**

- › *In re Relafen Antitrust Litigation* (\$85 million settlement)
- › *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- › *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- › *State of Connecticut v. Eli Lilly* (\$25 million settlement)
- › Pfizer Neurontin Promotions Litigation (jury verdict and judgment for \$142 million)
- › *In re Wellbutrin SR Antitrust Litigation*
- › *In re Vytorin/Zetio Marketing, Sales Practices and Products Liability Litigation*
- › *In re Flonase Antitrust Litigation*

**PERSONAL INSIGHT**

Ed once had a one-on-one lunch with Cher while working as an investigator for the public defender's office in Washington, D.C. Cher was researching her role as a public defense attorney in the movie *Suspect*. He also once owned a pot-bellied pig who could sit, play dead and turn in a circle on command (and for a tasty treat).

## OF COUNSEL

## Jerrod C. Patterson

*Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

- > Antitrust Litigation
- > Racketeering
- > Pharmaceutical Fraud

**BAR ADMISSIONS**

- > Washington
- > New York
- > District of Columbia

**CLERKSHIPS:**

- > The Hon. Louis F. Oberdorfer, U.S. District Court for D.C.
- > U.S. Senate Judiciary Committee (Sen. Leahy) Washington, D.C.

**EDUCATION**

- > University of California, Berkeley School of Law (Boalt Hall), J.D., May 2002; top 15% of graduating class
- > Johns Hopkins University, School of Advanced International Studies (SAIS) M.A. in International Economics and International Relations, December 1997, Graduated with distinction (top 10%)
- > Brown University A.B. in International Relations, May 1995, magna cum laude

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

**RECOGNITION**

- > FDA Commendation Award – 2013
- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > IRS “Outstanding Contribution Award” – 2011
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

**NOTABLE CASES**

- > Led or co-chaired 11 federal criminal jury trials, one local jury trial, and 22 bench trials.

**EXPERIENCE**

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering
- > Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- > Special Assistant U.S. Attorney, U.S. Attorney’s Office for D.C. Nov. 2006 - May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- > Associate, Wilmer Cutler Pickering (WilmerHale)

**OF COUNSEL**

Jerrod C. Patterson

**PERSONAL INSIGHT**

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.

## OF COUNSEL

## Greer Shaw

*Greer works hard for every client, large and small, with integrity and creativity.*

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**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

**BAR ADMISSIONS**

- > California
- > Arizona
- > Massachusetts

**COURT ADMISSIONS**

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, First Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, District of Arizona

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro

**RECOGNITION**

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016

**EXPERIENCE**

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

**LEGAL ACTIVITIES**

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

**PRESENTATIONS**

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

**OF COUNSEL**

## Greer Shaw

- › U.S. District Court, District of Massachusetts
- › U.S. District Court, District of Nebraska
- › U.S. District Court, Eastern District of Texas

**CLERKSHIPS:**

- › Honorable Bailey Aldrich, United States Court of Appeals for the First Circuit

**EDUCATION**

- › Boston University School of Law, J.D., magna cum laude; Managing Editor, Boston University Law Review
- › University of California, Berkeley, B.A.

- › “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- › “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- › “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- › “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- › “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- › “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, MuniAuction, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- › “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- › “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- › “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

**PERSONAL INSIGHT**

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.



## OF COUNSEL

## Jeffrey T. Sprung

*Mr. Sprung led the fight to pass laws in Washington rewarding whistleblowers for recovering taxpayer money stolen by private companies, resulting in the 2012 enactment of the Washington Medicaid Fraud False Claims Act.*

## CONTACT

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## YEARS OF EXPERIENCE

> 34

## PRACTICE AREAS

> False Claims Act  
> Antitrust Litigation

## BAR ADMISSIONS

> Washington  
> District of Columbia

## EDUCATION

> University of Michigan, B.A., magna cum laude, 1981  
> University of Chicago Law School, J.D., 1984

## CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro
- > Specializes in government fraud *qui tam* suits brought under the False Claims Act, representing whistleblowers serving as private Attorneys General
- > Key expertise in prosecuting antitrust class actions involving claims of price-fixing
  - \$120 million recovered for purchasers of oriented-strand board
  - \$139 million recovered for purchasers of polyether polyols
- > Key expertise in prosecuting cases against pharmaceutical manufacturers and national health care companies for health care fraud; a major bank for fraud in the securitization of mortgage loans; an ambulance company that resulted in what at the time was the second-largest recovery in the ambulance industry's history; a big-four accounting firm for defrauding the U.S. Department of Justice; contractors for the U.S. Department of Energy concerning accounting fraud at the nuclear clean-up site in Hanford, Washington; and military contractors for procurement fraud

## EXPERIENCE

- > Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia
  - Specialized in civil fraud matters
  - Won first civil suit for mail, wire and bank fraud brought in the District of Columbia, the first civil suit brought by the government to punish insider trading in the mortgage-backed securities market

## LEGAL ACTIVITIES

- > Presented on the False Claims Act to various law schools, including the University of Washington School of Law, and at meetings of Seattle and national bar associations
- > Past editor and contributing author of a leading practitioners' guide on civil legal remedies in United States courts for hate crimes
- > Current board vice president of Planned Parenthood Votes Northwest
- > Past president of Seattle non-profit the Kavana Cooperative
- > Member of the Washington Progress Alliance

## PRESENTATIONS

- > "How To Represent Whistleblowers Under Washington's New *Qui Tam* Law," Washington State Association for Justice, May 2012
- > Testimony before the Judiciary Committee of the Washington State House of Representatives on House Bill 2246, Proposed Washington State Medicaid Fraud False Claims Act, January 2012
- > Testimony before the Health and Long Term Care Committee of the Washington State Senate on Senate Bill 5978, Proposed Washington State Medicaid Fraud False Claims Act, December 2012

**OF COUNSEL**

## Jeffrey T. Sprung

- › Testimony before the Judiciary Committee of the Washington State House of Representatives on Proposed Washington State Medicaid Fraud False Claims Act, December 2012
- › “What To Say If A Whistleblower Calls,” WSAJ Roundtable, November 2011

**PUBLICATIONS**

- › “State could recoup millions under Fraud False Claims Act,” The Olympian, March 2012  
[download »](#)
- › “‘Obamacare’ is constitutional. But will the Supreme Court care?,” Crosscut.com, September 2011  
[download »](#)
- › Striking Back At Bigotry: Remedies Under Federal and State Law for Violence Motivated by Racial, Religious, and Ethnic Prejudice,” National Institute Against Prejudice & Violence, 1986

**NOTABLE CASES**

- › *Amgen*  
Whistleblower played a key role in uncovering an alleged illegal scheme organized by pharmaceutical giant Amgen. The whistleblower, a research scientist and medical doctor, alerted authorities that Amgen was manipulating the scientific record regarding two of its blockbuster drugs, triggering prescriptions for off-label uses of the drugs. (\$762 million recovered)
- › *Sound Physicians*  
Brought on behalf of former regional vice president of operations for Sound Physicians, a leading provider of primary care physicians. Whistleblower claimed that Sound senior management was aware of significant upcoding of patient bills, causing Medicare to overpay for services by tens of millions of dollars. (\$14.5 million settlement)
- › *Oriented Strand Board*  
Suit alleged that the manufacturers of oriented strand board (OSB) conspired in violation of federal antitrust law to restrict the supply of OSB structural panel products and raise prices. (\$120.7 millions settlement)
- › *Polyether Polyols*  
Complaint alleged that the defendant manufacturers unlawfully agreed to fix, raise, maintain, or stabilize the prices of, and allocate the customers and markets for, Polyether Polyol Products sold in the United States and its territories between Jan. 1, 1999 and Dec. 31, 2004, in violation of the federal antitrust laws. The case is ongoing, with settlements to date of \$139.3 million. In May 2013, after trial, Dow Chemical Co. was ordered to pay \$1.2 billion in damages. That order is currently on appeal.



**OF COUNSEL****Nick Styant-Browne**

*Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.*

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**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

- > Human Rights
- > Environmental Protection
- > Consumer Rights

**BAR ADMISSIONS**

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

**EDUCATION**

- > University of Melbourne

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

**EXPERIENCE**

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

**LEGAL ACTIVITIES**

- > Past elected member, Council of Greenpeace, Australia

**NOTABLE CASES**

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > *Rio Tinto Litigation*  
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > *BHP Environmental Litigation*  
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > *Toyota Unintended Acceleration Litigation*
- > *Thalidomide Drug Litigation*

**ASSOCIATE****Ian M. Bauer**

*Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.*

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**YEARS OF EXPERIENCE**

> 10

**PRACTICE AREAS**

> Personal Injury Litigation  
> Civil Rights

**BAR ADMISSIONS**

> Washington  
> U.S. District Court, Western District of Washington  
> U.S. District Court, Eastern District of Washington  
> United State Bankruptcy Court for the Western District of Washington  
> Ninth Circuit Court of Appeals

**EDUCATION**

> Connecticut College, B.A., 1999  
> Seattle University School of Law, J.D., magna cum laude, 2004

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro  
> Practice focuses on personal injury and civil rights cases

**RECENT SUCCESS**

Mr. Bauer has litigated numerous multi-million dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

> Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)  
> Settlement on behalf of an infant abused in day care setting (\$2.84 million)  
> Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)

**RECOGNITION**

> Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.  
> Rising Star, Washington Law & Politics Magazine

**EXPERIENCE**

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

**LEGAL ACTIVITIES**

> Member, Washington Association for Justice  
> Member, American Association for Justice

**PERSONAL INSIGHT**

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.

**ASSOCIATE**

## Ashley A. Bede

*Ms. Bede has successfully secured recoveries for clients in high-profile complex class actions, focusing on antitrust, consumer protection, and sports litigation.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 7

**PRACTICE AREAS**

> Consumer Protection

**BAR ADMISSIONS**

> Washington  
> U.S. Court of Appeals, Ninth Circuit  
> U.S. District Court, Western District of Washington  
> U.S. District Court, Eastern District of Washington

**EDUCATION**

> Pepperdine University, School of Law J.D., cum laude, 2008  
> Pepperdine University, Editor-in-Chief, Journal of Business, Entrepreneurship & The Law  
> University of Southern California, B.A. with honors, cum laude, 2005

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro  
> Focuses on antitrust, consumer protection, and sports litigation

**NOTABLE CASES**

> *In re NCAA Grant-In-Aid Antitrust Litigation*, representing college athletes against the NCAA and Division I Conferences, claiming these entities violated antitrust laws to cap the value of athletic scholarships far below what the free market would support.  
> *Animation Workers Antitrust Litigation*, representing animators and other artistic workers against Pixar, Lucasfilm entities, The Walt Disney Company, Sony Pictures entities, and others, alleging these companies have conspired to restrain competition to deprive thousands of animators and other works of better compensation.

**RECENT SUCCESS**

> Part of a team that recently secured a pending settlement requiring Apple, Inc. to pay consumers \$400 million for its involvement in an alleged price-fixing scheme with e-books publishers.  
> Ms. Bede was the key drafter of an amicus curiae brief in the Ninth Circuit Court of Appeals case *McCormack v. Hiedeman* in September 2012, on behalf of Legal Voice and other organizations. The Ninth Circuit adopted her analysis and research directly into its published opinion.

**EXPERIENCE**

> Judicial Extern, United States Ninth Circuit Court of Appeals for the Hon. Arthur Alarcón  
> Summer Associate, Ryan, Swanson, & Cleveland LLP  
> Extern, Los Angeles County District Attorney's Office  
> While in law school, Ms. Bede was the Editor-In-Chief of the Journal of Business, Entrepreneurship & the Law; the 2008 National Champion in the American Bar Association Labor and Employment Advocacy Competition; and received multiple academic scholarships.

**LEGAL ACTIVITIES**

> President-Elect and past Vice-President of the Board of Directors of the Eastside Legal Assistance Program  
> Coach of nationally competitive high school mock trial team  
> Member, Junior League of Seattle

**PERSONAL INSIGHT**

Ms. Bede was an internationally competitive springboard diver and coach, and now regularly runs marathons and half-marathons. She is also an avid sports fan, in particular college football, NFL, and NBA and WNBA. Most recently, she performed a moving rendition of "Let it Go" for her colleagues, inspiring her to pursue amateur karaoke singer status.

**ASSOCIATE****John DeStefano**

*Mr. DeStefano takes special pride in protecting consumers against broad-based frauds and swindles and the corruption of honest enterprise.*

**CONTACT**

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johnd@hbsslaw.com

**PRACTICE AREAS**

- > Consumer Protection
- > Commercial Litigation
- > Privacy Rights
- > Appellate Advocacy

**BAR ADMISSIONS**

- > U.S. Supreme Court
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > U.S. District Court, District of Arizona
- > Supreme Court of Arizona

**EDUCATION**

- > University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- > Harvard University, B.A., Classics

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on consumer class actions and complex litigation

**RECENT SUCCESS**

- > Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.

**RECOGNITION**

- > Super Lawyers, Rising Star: Class Action/Mass Tort 2015
- > Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013
- > American Inns of Court Pegasus Scholar 2012

**EXPERIENCE**

- > Snell & Wilmer LLP 2009-2013
- > U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- > U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

**LEGAL ACTIVITIES**

- > American Association for Justice
- > Lorna Lockwood Inn of Court
- > Volunteer Lawyers Program of Arizona

**NOTABLE CASES**

- > Obtained a published reversal of a deportation order in a hotly disputed immigration appeal before the U.S. Court of Appeals for the Ninth Circuit (pro bono)
- > Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)

**PERSONAL INSIGHT**

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting consumers against broad-based frauds and swindles and the corruption of honest enterprise.

**ASSOCIATE****Steve W. Fimmel**

*Mr. Fimmel was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million.*

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**YEARS OF EXPERIENCE**

> 25

**PRACTICE AREAS**

> Complex Litigation

**BAR ADMISSIONS**

> Washington  
> U.S. District Court, Eastern  
District of Washington  
> U.S. Court of Appeals, Ninth  
Circuit

**EDUCATION**

> Lewis & Clark Law School,  
J.D.  
> University of Washington, B.A.,  
Phi Beta Kappa

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro  
> Focuses on high-value, document-intensive cases

**EXPERIENCE**

> Attorney, Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.  
> Associate, Hanford Litigation Office in Seattle representing Hanford downwinders

**NOTABLE CASES**

> LMITCO v. LMAES  
> Hanford Downwinders Litigation

**PERSONAL INSIGHT**

In a previous life, Mr. Fimmel was a sports anchor and reporter for KHQ-TV, Spokane's NBC affiliate. Through his senior year at the University of Washington and while attending law school at Lewis & Clark in Portland, Steve was the sports play-by-play and color broadcaster for Seattle's KCTS-TV on Seattle Sounder and Washington Husky basketball telecasts.

**ASSOCIATE****Rachel E. Freeman**

*Ms. Freeman was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.*

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**YEARS OF EXPERIENCE**

> 4

**PRACTICE AREAS**

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

**BAR ADMISSIONS**

- > Arizona

**EDUCATION**

- > Arizona State University, B.S., magna cum laude, 2007
- > Arizona State University  
Sandra Day O'Connor College of Law, J.D., 2011

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Freeman worked on behalf of student-athlete plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

**RECENT SUCCESS**

- > In March 2012, Ms. Freeman was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

**NOTABLE CASES**

- > *Keller v. Electronic Arts Inc.*, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > *In Re: NCAA Student-Athlete Name and Likeness Licensing Litigation*, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > *Antonick v. Electronic Arts, Inc.*, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

**PERSONAL INSIGHT**

Ms. Freeman spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.

**ASSOCIATE**

## Catherine Y.N. Gannon

*Ms. Gannon is licensed to practice law in both the United States and Canada. Prior to joining Hagens Berman in Seattle, she worked at leading law firms in Toronto, Ontario and New York City.*

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**YEARS OF EXPERIENCE**

> 6

**PRACTICE AREAS**

- > Securities and Antitrust
- > Consumer Protection

**BAR ADMISSIONS**

- > Washington
- > New York
- > Southern District of New York
- > Eastern District of New York
- > Law Society of Upper Canada (Ontario)

**EDUCATION**

- > York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
- > Carleton University, Bachelor of Public Affairs and Policy Management, summa cum laude, 2005

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

**NOTABLE CASES**

- > *In re MyFord Touch Consumer Litigation*
- > *NCAA Grants-In-Aid Gap Antitrust Litigation*

**EXPERIENCE**

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

**LEGAL ACTIVITIES**

- > Volunteer, Legal Voice
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

**PUBLICATIONS**

- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" (2010) 30 Health Law in Canada 132
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

**PERSONAL INSIGHT**

Ms. Gannon grew up in Canada, the United States and Europe. She is fluent in French. In the past, she has provided legal work for Metropolitan Hospital of New York, Advocates for Children of New York and The Innocence Project. While in law school, Ms. Gannon spent several months providing policy research and advocacy assistance for the High Court of Kenya. A seasoned backpacker, she once spent six months traveling to more than a dozen countries. She can still pack a suitcase in less than 5 minutes.



**ASSOCIATE****Anthea D. Grivas**

*Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.*

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

**BAR ADMISSIONS**

- > Washington

**EDUCATION**

- > University of Washington  
School of Law, J.D., 2001
- > University of Washington, B.A.  
Political Science, 1995

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
  - Member of *In re Automotive Parts Antitrust Litigation* team
  - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in *In re Toyota Motor Corp. Sudden, Unintended Acceleration* matter
  - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
  - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
  - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
  - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
  - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

**RECENT SUCCESS**

- > *In re Toyota Motor Corp. Sudden, Unintended Acceleration* – record settlement on behalf of auto purchasers
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation* – settlement on behalf of TFT-LCD product purchasers
- > *Trabakoolas v. Watts Water Technologies, Inc.* – settlement on behalf of customers
- > *Dole Bananas* – settlement on behalf of local communities in Guatemala

**RECOGNITION**

- > Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- > Public Justice recognized the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for its work on behalf of auto consumers.



**ASSOCIATE****Anthea D. Grivas****EXPERIENCE**

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

**LEGAL ACTIVITIES**

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

**PUBLICATIONS**

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

**NOTABLE CASES**

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

**PERSONAL INSIGHT**

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.

**ASSOCIATE**

## Heidi Hansen Kalscheur

*While in law school, represented a California immigrant in a successful appeal before the Ninth Circuit which resulted in a published decision, and a significant shift in the law.*

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**YEARS OF EXPERIENCE**

> 2

**PRACTICE AREAS**

> Securities Litigation

**BAR ADMISSIONS**

> California  
> Supreme Court of California  
> U.S. District Court, Central District of California

**EDUCATION**

> University of California, Hastings College of the Law, J.D., 2012  
> Courtauld Institute of Art, London, M.A., 2006  
> University of Wisconsin, B.A., 2003

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro  
> Practice focuses primarily on securities fraud

**RECOGNITION**

> Federal Bar Association, 2011 Thurgood Marshall Memorial Moot Court Competition, Overall Champion, Runner-up Best Brief and Best Oralist

**EXPERIENCE**

> Girard Gibbs LLP, Litigation Associate  
> Hastings Appellate Project, Graduate Fellow  
> Arns Law Firm, Summer Associate  
> U.S. District Court, Central District of California, Judicial Extern for the Honorable Carla Woehrlé of the U.S. District Court in Los Angeles

**LEGAL ACTIVITIES**

> Bar Association of San Francisco, Barristers Club  
> American Bar Association, Young Lawyers Division  
> American Bar Association, Military Pro Bono Project  
> National Association of Public Pension Attorneys (NAPPA)  
> National Conference on Public Employee Retirement Systems (NCPERS)  
> Council of Institutional Investors (CII)  
> Michigan Association of Public Employee Retirement Systems (MAPERS)  
> State Association of County Retirement Systems (SACRS)  
> California Association of Public Retirement Systems (CALAPRS)  
> Illinois Public Pension Fund Association (IPPFA)  
> Georgia Association of Public Pension Trustees (GAPPT)  
> International Foundation of Employee Benefit Plans (IFEBC)  
> National Association of Securities Professionals (NASP)  
> National Council on Teacher Retirement (NCTR)

**PUBLICATIONS**

> "Protecting Your Claims after IndyMac," Hagens Berman, HBSS Securities News, Fall 2015  
> Author, "About 'Face': Using Moral Rights to Increase Copyright Enforcement in China" 39 Hastings Const. L.Q. 513 (2012)

**PERSONAL INSIGHT**

Before her law career, Heidi was an art historian and gallerist, specializing in 20th Century European art and architecture. She worked at contemporary galleries in Las Vegas, London, and San Francisco, and worked at the San Francisco Museum of Modern Art throughout law school.

**ASSOCIATE**

## Jeffrey A. Lang

*Over 10 years of experience focused exclusively on review of discovery.*

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**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

- > Securities Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud
- > Consumer Protection

**BAR ADMISSIONS**

- > Washington

**EDUCATION**

- > University of Puget Sound  
School of Law, J.D.
- > University of Washington, B.A.

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Focuses on review of discovery in document intensive cases involving the firm's consumer protection, pharmaceutical fraud, antitrust and investor fraud litigation
- > 19 years of experience across a variety of practice areas
- > Focused on the review of discovery material since 2003

**EXPERIENCE**

- > Special project attorney, Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation
- > Experienced in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson

**NOTABLE CASES**

- > *Microsoft Antitrust Litigation*
- > *E-books Antitrust Litigation*
- > *Average Wholesale Price Litigation*
- > *Oppenheimer Core Bond Fund & Champion Income Fund Litigation*

**PERSONAL INSIGHT**

Jeff enjoys playing soccer, attending kickboxing classes, and working out.

**ASSOCIATE****Kristie A. LaSalle**

*Ms. LaSalle graduated magna cum laude from Brooklyn Law School in 2012.*

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kristiel@hbsslaw.com

**YEARS OF EXPERIENCE**

> 3

**PRACTICE AREAS**

- > Antitrust Litigation
- > Pharmaceutical Fraud

**CLERKSHIPS**

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

**BAR ADMISSIONS**

- > Massachusetts
- > New York
- > U.S. District Court for the District of Massachusetts
- > U.S. Tax Court
- > U.S. Court of Appeals, Third Circuit

**EDUCATION**

- > Brooklyn Law School, JD, magna cum laude, 2012
- > Swarthmore College, BA 2006

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.

**RECOGNITION**

- > Order of the Barristers
- > Scholarly Journal Writing Award
- > John P. O'Boyle Memorial Endowed Scholarship, Carswell Scholarship, Dean's Merit Scholarship, Centennial Grant

**EXPERIENCE**

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.
- > Prior to law school, Ms. LaSalle worked as a paralegal at a large Philadelphia law firm as a member of the legal team defending a pharmaceutical fraud class action.

**PUBLICATIONS**

- > Author, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 Tex. J. on Civ. Rights & Civ. Liberties 1 (2013)
- > Author, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)

**PERSONAL INSIGHT**

Kristie filled her spare time during undergrad as a volunteer EMT in the suburbs of Philadelphia. She spent her days studying biology and chemistry, and her nights saving lives, running red lights and parallel parking a firetruck.

**ASSOCIATE**

## Jessica R. MacAuley

*Ms. MacAuley graduated cum laude from Northeastern University in 2005.*

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**YEARS OF EXPERIENCE**

> 3

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

**BAR ADMISSIONS**

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

**EDUCATION**

- > Northeastern University, B.A., cum laude, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf
- > Co-lead class counsel for direct purchasers *In re: Solodyn Antitrust Litigation*, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers
- > Represents health benefit providers in the Ketek class litigation, currently on appeal in the Second Circuit

**RECOGNITION**

- > 2015 "Rising Star," Massachusetts Super Lawyers Magazine

**EXPERIENCE**

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

**NOTABLE CASES**

- > *In re: Prograf Antitrust Litigation*

**PERSONAL INSIGHT**

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.

**ASSOCIATE**

## Christopher R. Pitoun

*Chris has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals and small businesses in all forms of complex litigation.*

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**YEARS OF EXPERIENCE**

> 4

**PRACTICE AREAS**

- > Consumer Protection
- > Intellectual Property

**BAR ADMISSIONS**

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California

**EDUCATION**

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions and other complex litigation

**RECENT SUCCESS**

- > Previous to joining Hagens Berman, Mr. Pitoun worked on a number of successful matters:
  - Represented a nationwide class of 300,000 homeowners against Viega/Vanguard Pex plumbing systems (\$68,000,000 settlement)
  - Represented direct purchasers of Zometa in MDL against Novartis Pharmaceuticals (\$25,000,000 settlement)

**EXPERIENCE**

- > Associate, Girardi Keese, 2011-2014, where he gained extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

**LEGAL ACTIVITIES**

- > American Bar Association (ABA)
- > Consumer Attorneys Association of Los Angeles (CAALA)

**NOTABLE CASES**

- > Currently represents the city of Los Angeles and the People of the State of California in multiple cases against several large banks for discriminating against minority borrowers
- > Currently representing two certified classes of California truck drivers and mechanics in actions alleging unfair pay practices

**PERSONAL INSIGHT**

- > Prior to attending law school, Chris taught English and French to high school students in China
- > Chris later decided to become a lawyer while marketing the film "Michael Clayton"

**ASSOCIATE****Shelby R. Smith**

*Shelby has dedicated her career to serving vulnerable victims of violent crimes.*

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington

**EDUCATION**

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

**NOTABLE CASES**

- > *GM Ignition Switch Recall*
- > *In re MyFord Touch Consumer Litigation*
- > *Thalidomide Drug Litigation*
- > *Walen v. PSU*

**EXPERIENCE**

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

**LEGAL ACTIVITIES**

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

**PERSONAL INSIGHT**

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three daughters and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.

**ASSOCIATE**

## Garth Wojtanowicz

*Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010*

**CONTACT**

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Suite 3300  
Seattle, WA 98101

(206) 268-9326 office  
(206) 623-0594 fax  
garthw@hbsslaw.com

**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

**BAR ADMISSIONS**

- > Washington
- > California

**EDUCATION**

- > University of Washington  
School of Law, J.D., 2000
- > University of Washington, B.A.,  
English, 1997

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo. > Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

**RECOGNITION**

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

**EXPERIENCE**

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

**NOTABLE CASES**

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

**PERSONAL INSIGHT**

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.



# **EXHIBIT B**

**EXHIBIT B**

In re Cathode Ray Tube (CRT) Antitrust Litigation

**HAGENS BERMAN SOBOL SHAPIRO**

Reported Hours and Lodestar

Inception through October 31, 2016 - Mitsubishi/Thomson Only

**TIME REPORT**

<b>NAME</b>	<b>TOTAL HOURS</b>	<b>HISTORICAL HOURLY RATE</b>	<b>LODESTAR</b>
<b>ATTORNEYS</b>			
Anthony Shapiro (P)	182.20	\$840	\$153,048.00
Anthony Shapiro (P)	6.50	\$800	\$5,200.00
Anthony Shapiro (P)	37.90	\$750	\$28,425.00
Ronnie Spiegel (P)	709.90	\$578	\$410,322.20
Ronnie Spiegel (P)	135.90	\$550	\$74,745.00
Ronnie Spiegel (P)	194.10	\$475	\$92,197.50
	<b>1266.5</b>		<b>\$763,937.70</b>
<b>NON-ATTORNEYS</b>			
Jeaneth Decena (PL)	1.50	\$250	\$375.00
Laurie Cecil (PL)	18.70	\$180	\$3,366.00
Robert Haegele (PL)	4.60	\$180	\$828.00
Chan Lovell (PL)	923.50	\$150	\$138,525.00
Amy Elder	63.30	\$125	\$7,912.50
	<b>1011.6</b>		<b>\$151,006.50</b>
<b>TOTAL:</b>	<b>2278.1</b>		<b>\$914,944.20</b>

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(PL) Paralegal  
(LC) Law Clerk

# **EXHIBIT C**

**EXHIBIT C**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
HAGENS BERMAN SOBOL SHAPIRO  
Reported Expenses Incurred on Behalf of DPPs - Mitsubishi/Thomson Only

**EXPENSE REPORT**

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (Filing, etc.)	
Experts/Consultants	
Federal Express	\$143.26
Transcripts (Hearing, Deposition, etc.)	
Messenger Delivery	
Photocopies – In House (capped at \$0.20 per copy)	\$2,248.80
Photocopies – Outside	
Postage	
Service of Process	
Telephone/Telecopier	
<b>TOTAL:</b>	\$2,392.06